MONARCHY ASSERTED,

To be the best, most Ancient and legall form of Government, in a conference had at Whitehall, with

OLIVER

late Lord *Protector* & a Committee of

PARLIAMENT:

Made good by the Arguments

Of { *Oliver*, St. *John*, Lord chief Justice.
Lord chief Justice *Glyn*.
Lord Comm. *Whitlock*.
Lord Comm. *Liste*.
Lord Comm. *Fines*.
Lord *Broghall*.
Mr. of the Roles.
Sr. *Charles Wolseley*.
Sr. *Richard Onslow*.
Colonel *Iones*. } Members of that Committee.

LONDON,
Printed by JOHN REDMAYNE for *Philip Chetwin*, 1660.

To the Reader.

WHen once the Sword had ſubdued the Scepter, and Policy (though covered with the vail of Piety) had advanced the Military above the Civil power: Thou canſt not (if a Native) be ignorant, what were the ſad effects of our Civil War. Magiſtracy and Miniſtry deſpiſed, Law and Goſpel ſlighted, Propriety invaded, Parliaments garbled,

garbled, and made ſubſervient to ambitious greatneſſe. The Ancient Parliamentary Nobility kept out, and *Iack* and *Tom* made Lords of the other Houſe. And though our grand Politicians, which ſate at the Helme of State, framed for us many models of government, (ſuch as beſt ſuted their ſeverall Intereſts, and might ſecure their vaſt eſtates) yet none did *Quadrare*: Nor would the Military men be ſubject to any, except they might be free from all, but the Martiall; and might for ever be a body diſtinct, and not ſubject to the Civil power. By this the people clearly foreſaw that Club would be trump,

let

let who would ſhuffle the Cards.

The Parliament therefore, out of love to themſelves, and poſterity, thought the Name and Title of King a fit Liewer to take down that exorbitant power, and knew, the government being once ſettled upon the old foundation, the law did limit the power of the Governour, and thereupon framed and preſented the Protector with that Petition and advice, which the Debate upon the Bill for Kingſhip (brought into the Houſe by Alderman *Pack*) had produced. The Protector ſeemed very ſcrupulous to accept the Name and

Title,

Title, though he injoyed the place & power; because *Lambert* & some leading Officers would not consent. Therefore was a Committee of the House ordered to attend his Highness, and to receive his doubts and scruples, and offer reasons for his Highness satisfaction in the maintenance of the Parliaments Resolutions: upon this occasion was the Conference, & the learned Speeches there made, are here presented to thy view, with the *Protectors* answers,

By a Lover of his King and Countrey.

Thursday the ninth of April 1657.

ORdered by the Parliament, that a Committee be appointed to wait upon his Highneſſe the Lord Protector, in reference to what his Highneſſe did yeſterday propoſe in his Speech, now reported to the Houſe.

Reſolved, That this Committee have power to receive from his Highneſſe his doubts and ſcruples, touching any of the particulars contained in the humble Petition and Advice formerly preſented; and in anſwer thereunto, to offer to his Highneſſe reaſons for his ſatisfaction, and for the maintenance of the Reſolutions of this Houſe; and ſuch particulars as they cannot ſatisfie his Highneſſe in, that they report the ſame to the Parliament.

The Names of the Committee.

Lord *Whitlock.*
Lord *Broghill.*
Maſter of the *Rolls.*
Lord Commiſſioner *Liſle.*
Mr. *Waller.*
Lord *Chief Iuſtice.*
Sr. *Charles Woolſeley.*
Gen. *Montague.*
Col. *Iepſon.*
Sr. *Thomas Ionet.*
Sr. *William Strickland.*
Col. *Thiſtlethwait.*
Lord Commiſſioner *Fines.*
Sr. *Rich. Onſlow.*
Sr. *Rich. Lucy.*
Mr. *Secretary.*
Attourney of the *Dutchy.*
Attourney Generall.
Mr. *Godfrey.*
Lord *Howard.*

Col. *Ienes.*
Col. *Carter.*
Col. *Whitgrave.*
Col. *Brooke.*
Mr. *Lee.*
Mr. *Ienkinſon.*
Mr. *Bampfield.*
Mr. *Drake.*
Col. *Ingoldsby.*
Mr. *Pitts.*
Mr. *Pickering.*
Lord *Cockram.*
Mr. *Grove.*
Mr. *Lloyd.*
Mr. *Nathan. Bacon.*
Mr. *Ingoldsby.*
Lord *Provoſt* of *Edenb.*
Mr. *Bedfor.*
Col. *Ireland.*
Col. *Hacker.*
Major *Wagſtaffe.*
Mr. *Fran. Bacon.*
Mr. *Downing.*
Mr. *Price.*
Maj. Gen. *Whaley.*
Sr. *Iohn Reynolds.*
Mr. *Steward.*
Sr. *Chriſt. Pack.*
Mr. *Lawrence.*
Alderm. *Foot.*
Capt. *Lilburn.*
Sr. *William Roberts.*
Mr. *Trevor.*
Mr Baron *Parker.*
Mr. *Tigh.*

Sr *Io. Hobart.*
Mr. *Hamden.*
Mr. *Cromwell.*
Mr. *Throgmorton.*
Mr. *Fleetwood.*
Mr. *Philips.*
Maj. Gen. *Goffe.*
Mr. *Fowell.*
Major *Audley.*
Col. *Wilson.*
Major *Morgan.*
Col. *Wood.*
Maj. Gen. *Berry.*
Lord *Strickland.*
Lord *Cleypoole.*
Mr. *Barkley.*
Major *Burton.*
Mr. *Dunch.*
Col. *Markham.*
Major *Aſton.*
Maj. Gen. *Bridges.*
Sr. *Tho. Rouſe.*
Mr. *Bond.*
Col. *Fowkes.*
Col. *Bridges.*
Mr. *Moody.*
Col. *Groveſnor.*
Mr. *Gorges.*
Earl of *Tivedale.*
Sr. *Iohn Weeſnes.*
Dr. *Dowglas.*
Maj. *Beake.*
Mr. *Briſcoe.*
Capt. *Steua.*
Mr. *Lucy.*

Col.

Col. *Harvey.*
Sr. *Lisslebone Long.*
Mr. *Thelwall.*
Sr. *Edward Roads.*
Sr. *Francis Norris.*
Col. *Sydenham.*
Mr. *Rouse.*
Mr. *Tromball.*
Mr. *Burton.*

To meet forthwith in the Speakers Chamber.

Resolved, That this Committee have power to appoint some of their number to attend his Highnesse, to desire him to appoint a time when they may wait upon him according to those Votes.

Hen. Scobell Clerk of the Parliament.

The Lord Whitlock, 11 April.

I onely understand, that by order of the Parliament, this Committee are tied up to receive what your Highnesse shall be pleased to offer, as to your doubts or scruples upon this paper: the very words of the Order are, *That the Committee have power to attend your Highnesse, to receive from your Highnesse your doubts and scruples, touching any the particulars contained in the humble Petition and Advice, formerly presented; and in answer thereunto, to offer to your Highnesse reasons for your satisfaction, and for the maintenance of the Resolutions of the House; and such particulars as we cannot satisfie your Highnesse in, that we may report the same to the Parliament what particulars your Highnesse shall think fit to object.*

Your Highnesse is pleased to mention the Government, as it now is, and seems to some of our apprehensions, as if your Highnesse did make that an objection: *if the Government be well, why doe you change it?* if that be intended by your Highnesse as an objection in the ge-

nerall, I ſuppoſe the Committee will give you ſatisfaction.

Lord Protector.

Sr. I think that neither you nor I, but meet with a very good heart, to come to ſome iſſue of this great buſineſſe; and truly that is, that I cannot aſſure you, I have all the reaſon and argument in the world to move me to it, and am exceeding ready to be ordered by you in the way of proceeding, onely I confeſſe according to thoſe thoughts I have, as I have anſwered my own thoughts in preparing for ſuch a work as this is: I have made this notion of it to my ſelf: That having met you twice, at the Committee firſt, and returned you that anſwer that I gave you then; and the Houſe a ſecond time: I do perceive that the favour and the indulgence that the Houſe ſhewes me in this, is, that I might receive ſatisfaction: I know they might have been poſitive in the thing, and ſaid they had done enough, if they had onely made ſuch an addreſſe to me; they might have inſiſted upon it, onely to offer it; yet I could plainly ſee, it was my ſatisfaction they aimed at; I think really and ſincerely, it is my ſatisfaction that they intend, and truly I think there is one clauſe in the Paper, that doth a little warrant that, *to offer ſuch reaſons for his ſatisfaction, and for the maintainance of the Reſolutions of the Houſe.*

Now Sir it's true, the occaſion of all this, is the anſwer that I made, that occaſions a Committee to come hither, in order to my ſatisfaction: and truly Sr I doubt (if you will draw out thoſe reaſons from me, I will offer them to you, but I doubt on my own part) if you ſhould proceed that way, it would put me a little out of the method of my own thoughts, and it being mutuall ſatisfaction that is endeavoured, if you will doe me the favour, it will more agree with my method; I ſhall take it as a favour, if it pleaſe you, I wil leave you to conſider together your own thoughts of it.

Lord

Lord Whitlock.

THe Committee that are commanded by the Parliament, and are here present to wait upon your Highneſſe, I doe ſuppoſe cannot undertake to give the Reaſons of the Parliament, for that they have done; but any Gentleman here can give his own particular apprehenſion for your Highneſſe ſatisfaction; and if you will be pleaſed to go in the way which you have propounded, and either in generall or in particular, to require a ſatisfaction from the Committee, I ſuppoſe we ſhall be ready to do the beſt we can to give you ſatisfaction.

Lord Protector.

I Think if this be ſo, then I ſuppoſe nothing can be ſaid by you, but what the Parliament hath dictated to you, and I think that is clearly expreſt, that the Parliament intends ſatisfaction; then is it as clear, that there muſt be Reaſons and Arguments, that have light and conviction in them, in order to ſatisfaction.

I ſpeak for my ſelfe in this, I hope you will think it no otherwiſe: I ſay it doth appear ſo to me, that you have the liberty of your own reaſons; I think if I ſhould write any of them, I cannot call this the Reaſon of the Parliament. The Parliament in determinations and concluſions, by Votes of the ſeverall particulars of the Government, that Reaſon is dilated, and diffuſed, and every man hath a ſhare of it; and therefore when they have determined ſuch a thing, certainly it was reaſon that lead them up into it; and if you ſhall be pleaſed to make me partaker of ſome of that Reaſon, I do very reſpectfully repreſent to you, that I have a generall diſſatisfaction at the thing; and I doe deſire that I may be informed in the grounds that lead you, whom I preſume are all ſatisfied perſons to the thing, and every part of it, and if you will be pleaſed to think ſo fit, I will not farther urge it upon you: To proceed that way,

it will be a favour to me, otherwise I shall deal plainly with you: it doth put me out of the method of my own conceptions, and then I shall beg that I may have an howers deliberation, that we might meet again in the afternoon.

Lord Chief Iustice.

THe Parliament sent us to wait upon your Highnesse, to give your Highnesse any satisfaction that is in our understandings to give: the whole paper consists of many heads, and if your Highnesse intend satisfaction, the Propositions being generall, we can give but generall satisfaction, and therein we are ready, if that be your Highnesse meaning; I think we shall be ready to give satisfaction as far as our understandings.

Lord Protector.

IF you will please to give me leave, I doe agree, truly the thing is a generall, as it is either falling under the notion of settlement; that's a generall that consists of many particulars; and truly if you call it by that that it is Tituled, there it is generall, it is advice, desires and advice, and that (the trueth is) that I have made my objection in, is but to one thing as yet, onely the last time I had the honour to meet the Parliament, I did offer to them, that they would put me into a condition to receive satisfaction to the particulars; no question I might easily offer something particular for debate, if I thought that that would answer the end, for truly I know my end and yours is the same, that is, to bring things to an issue one way or other, that we may know where we are, that we may attain that generall end, that is, settlement; the end is in us both, and I durst contend with any one person

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in the world, that it is not more in his heart, then in mine. I could go to some particulars to aske question, or ask a reason of the alteration, which would well enough let you into the businesse, (that it might) yet I say it doth not answer me: I confesse I did not so strictly examine that order of reference, or whether I read it or no I cannot tell you; if you will have it that way, I shall (as well as I can) make such an objection as may occasion some answer to it, though perhaps I shall object weak enough, I shall very freely submit to you.

Lord Chief Iustice.

THe Parliament hath commanded us for that end, to give your Highnesse satisfaction.

Lord Commissioner Fines.

MAy it please your Highnesse, looking upon the Order, I finde that we are impowred to offer any reasons that we think fit, either for the satisfaction of your Highnesse, or maintenance of what the Parliament hath given you their advice in; and I think we are rather to offer to your Highnesse the Reasons of the Parliament, if your Highnesse dissatisfaction be to the alteration of Government in generall, or in particular.

Lord Protector.

I am very ready to say I have no dissatisfaction; that it hath pleased the Parliament to find out a way (though it be of alteration) to bring these Nations into a good settlement; and perhaps you may have judged the settlement we were in, was not so much for the great end of Government, the Liberty and good of

the Nations, and the preservation of all those honest interests that have been engaged in this cause; I say I have no exception to the generall, that the Parliament hath thought fit to take consideration of a new settlement, or Government; but you having done it as you have, and made me so far interested in, as to make such an overture to me, I shall be very glad, if you so please to let me know it, that besides, the pleasure of the Parliament may be somewhat of the Reason of the Parliament, for interesting me in this thing, and for making the election such as it is: truly I think I shall as to the other particulars swallow this, I shall be very ready to assign particular objections to clear that to you, that may be either better to clear, or to help me at least to a clearer understanding of the things for better good, for that I know is in your hearts as well as mine: though I cannot presume that I have any thing to offer to you, that may convince you: but if you will take in good part, I shall offer somewhat to every particular: if you please, as to the first of the thing, I am clear as to the ground of the thing, being so put to me, as it hath been put: I think that some of the grounds upon which it is done will very well lead into such objections or doubts as I may offer, and will be a very great help to me in it, and if you will have me this, or that, or the other doubt that may arrise methodically, I shall do it.

Lord Whitlock.

I Am very much assured, that all this company is come with the same affection and faithfull respect to the publick settlement, as your Highnesse hath pleased to expresse. For my part, I do with a great deal of clearnesse and faithfulnesse, and in my particular

lar apprehenſion, I conceive that the method that your Highneſſe mentioned to proceed in, we may anſwer, and if any Gentleman be of another opinion, he will be pleaſed to correct me in it.

The Parliament taking conſideration of the preſent Government, and the inſtrument that doth eſtabliſh it, ſeemeth to my apprehenſion to be of opinion, that it was very fit there ſhould be ſome courſe taken for a Settlement in the Government of the Nation by the Supream Legiſlative Power, your Highneſſe and the Parliament concurring together in it, they found the inſtrument of Government in the Original and Foundation of it, to require this Settlement by the Supream Legiſlative Power, in regard of the Original of the other which they did, as I apprehended by ſome Gentlemens debates upon it, might be occaſion an of ſome doubts, and of leſſe ſtability if it were left to continue upon the ſame foundation it is.

That it will not be ſo clear a Settlement and foundation for the preſervation of the Rights and Liberties of the Nation, as if we came to a Settlement by the Supream Legiſlative power, upon that ground it was taken into conſideration, and a Settlement brought to effect upon very ſolemn full and candid debates among themſelves in Parliament.

Their intentions I ſuppoſe were onely theſe, *To provide for the ſafety and peace of the Nations hereafter, to provide for the Rights and Liberties, both Spiritual and Civil of the people of theſe Nations*, and in order to make the beſt proviſion they could, for theſe great concernments of the people, the Petition and Advice which they have humbly preſented to your Highneſſe was brought to a determination by them.

For

For that particular which your Highneſſe did formerly intimate, when the Parliament did attend upon you, the Committee of the Parliament, and which you are now pleaſed to intimate. Concerning the Title, I doe humbly apprehend the grounds of that to be theſe.

The foundation of that Title of *Protector* being not known by the Law, being a new Title, it was thought, that the Title which is known by the Law of *England* for many ages, many hundred of yeares together received, and the Law fitted to it, and that to the Law, that it might be of more certainty and clear eſtabliſhment, and more conformable to the Lawes of the Nation; that that Title ſhould be that of *King*, rather then that other of *Protector*. There is very much as to the eſſence of the buſineſſe, as ſome Gentlemen did apprehend; that the Title ſhould be a known Title, that hath been in all theſe times and ages received, and every particular perſon hath occaſion of knowing of it, and of his Rights applyed to it: and likewiſe of the generall Rights of the people and their Liberties, have an application to that name, which application cannot be ſo clear and ſo certain to a new Title, the Title of *Protector*. (Some Gentlemen I heard reaſon it) that the Title of *Protector* is onely upon the Originall and foundation as it now ſtands; but the Title of *King*, beſides the conſtitutions by which it ſhall be made, will likewiſe have a foundation upon the old and known Lawes of the Nation; ſo that there will be both the preſent conſtitution, and likewiſe the ancient foundation of the Lawes of *England* to be the *Baſis* of the Title of *King*. What changes of this nature may bring of inconvenience with them, can hardly in every particular be foreſeen, but it is imagined, that many will be, that poſſibly we may not be able beforehand to comprehend; but there ſeems to be more of certainty and ſtability, and

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of the supream Authourity, civil Sanction upon that Title, then upon the other: This I humbly apprehend to be one reason concerning both the establishment of the whole; and as to that particular, which I think is the first part of it, your Highnesse seemed to intimate.

Master of the Rolls.

MAy it please your Highness, I am very glad that there is such a latitude as we may shew our selves here, as I know the Parliament intends to give your Highnesse all satisfaction as may be, and truly I say upon the first head, which your Highnesse is pleased to call a *Title*, as if it were a bare *Title*, which I must humbly crave pardon if I doe not think, nor the House did not think, but it carries more in it of weight then a meer *Title*; for upon due consideration you shall find that the whole body of the Law is carried upon this Wheel, it is not a thing that stands on the top meerly, but runs through the whole life, and veins of the Law; you cannot almost make any thing or doe any thing, look upon all our Lawes ever since we had Lawes, look upon all the constitution, still there is such an interest, not of the *Title*, but of the name *King*, besides the *Title*, (that's not the thing) for the *Title* you may rather tye it to the person then the thing, but the word *King* doth signifie the person. Now Sir we do see in all the wayes of our proceedings in the maintaining of the Rights, Properties and Interests of the people, & of the prerogative of the chief Magistrate, that the very Office carries on the businesse and not the *Title*, and yet it must be such a *Title* too, as implies the Office, and makes the Office suitable to the Law; It's the Office that doth dignifie the person, not the person the Office: I shall crave your Highnesse pardon if I speak anything amisse, we see that the very

Office

office that carries on, and not the perſon, yet that office muſt have a ſuitableneſſe. I have obſerved all along that we have had many debates that have ariſen in this Nation about the thing, but the ground and reaſon why they have adhered to this Title, was for the maintenance of their Liberties; Not for the change of the office. I muſt confeſſe, I do not ſee that the other Title will do the ſame thing, that other Title hath no further latitude, nor extent, but the very inſtrument, it goes no further, for the very inſtrument is the foundation of it, we can find no further inſtrument original, we have had thoſe names heretofore, but never grounded upon the thing it ſelf, but grounded upon the office off a *King*, they had no office, or duty to perform, but what was under the office and duty of a *King*, it's very true, it is not ſo now certainly, for you have now a Title upon that foundation that is your inſtrument, and it can reach no further, it is a Title that I cannot ſee I muſt confeſſe, but that we have a good Magiſtrate, and good officers, but it may extend whether it will, it hath no limit at all, but the chief Magiſtrate, if he ſhould prove otherwiſe, you have no limit by it by any rule of Law that I underſtand, if you pleaſe give me leave to tell you, the very inſtrument does give a foundation to the Title of *Protector*, I am ſure to croſſe if he pleaſe, the moſt fundamental points that the Law hath. There was a time when a Prince of this Nation (a very late time too) would change this name, and it was a very ſlender change: For it was but from the *King* of *England*, to the *King* of Great *Britain*, and this was preſented to the Parliament, it had a debate of many daies, and it was reſolved there and ſettled, that they could not change, there was ſo much hazard in that change, they knew not but that all their rights and liberties might be thereby altered, and when the King ſaw he could not obtain it of the Houſe, he declared by

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Proclamation, that he never intended to take any name upon him, that ſhould put a doubt to the liberties, and priviledges of Parliament, and cauſed this Proclamation to be put among the Statutes, I may ſay it indeed very cunningly to be Printed, and put among the Statutes (though indeed it was none) and becauſe there was a danger, he laid it down willingly, onely (ſaies he) your Divines in the Pulpits ſhall pray for me by the Title, (*King* of Great *Brittain*) and Ambaſſadours ſhall make their adreſſe by that name, but your Lawes I will not alter the name. In the Parliament there was a queſtion, whether we ſhould not alter the name of Parliament, and call it *the Repreſentative of the people*, but the whole Houſe went upon this ground, that by changing the name of Parliament, to a Repreſentative, we did not know how it might change the very courſe, ground and reaſon of Parliaments: there is a great deale of thing in the very name: I remember, a very Honourable perſon now with God, was then very earneſt for it, for having this name changed, and he did ſhew many reaſons for it, but hearing the debates and reaſons againſt it, he ſat down and was ſatisfied, I think I may name him, it was my Lord *Ireton* who did ſay he was ſatisfied, it was not fit to be done at that time. It is a Famous ſtory in every mans mouth heretofore, when there was but a little intention to change the Law, it was a General reſolution given by the Lords, *Nolimus leges Angliæ mutare*, It's doubted, yea conceived not poſſible to annex the Lawes and the Title of *Protector* together, this I muſt ſay, we come now with an intention of a perfect ſettlement, ſuch as may give ſafety to the Nation, to your perſon, to the people, for indeed Sir, they are very jealous of their lawes and liberties, and have bin in all ages, and though it may not have an intention to do ſuch a thing, yet if you have a doubt, it's better and more ſafe for the chief Magiſtrate, to keep that which hath no doubt then. The

The Parliament laying their intereſt and their regard to you together, and giving you this advice, this is *vox populi*, for it is the voyce of three Nations in one Parliament. Upon publick intereſt the chief thing is the ſafety of the people; that ſafety, your will, your judgment, nay, give me leave to tell you, your conſcience is bound to it, for it is the principall end of Government and Governours: this is preſented to you by three Nations, by the Parliament, although you may make your heſitations, yet ſuch a thing of great weight and conſequence: I know this, that I have ſaid may ſeem to imply as if we ſhould fall upon a point: By the Lawes I can ſay in all Generations, this is mine, and this is the Princes, and the Prince cannot doe me wrong, nor the Councill do me wrong &c. Therefore I think you may ſafely, and I hope will agree to this particular, as we have preſented it: I dare not ſay that your Highneſſe (as it comes as advice from Parliament) ought to do ſo.

The Lord Protector.

I cannot deny but the things that have been ſpoken, have been ſpoken with a great deal of weight, and it is not fit for me to ask of any of you, if you have a mind to ſpeak farther of this; but if it had been ſo their pleaſure, truly then I think it would have put me in according to the method and way I have conceived to my ſelfe, to the more preparedneſſe, to have return'd ſome anſwer, and if it had not been to you a trouble: I am ſure the buſineſſe requires it from any man in the world, if he were in any caſe, much more from me, to make ſerious and true anſwers, I mean ſuch as are not feined in my own thoughts, but ſuch wherein I expreſſe the truth and honeſty of my heart; I mean that by true anſwers, I did hope, that when I had heard you ſo far

as it is in your pleasure to speak to this head, I should have then (taking some short notice as I did) have been in a condition this afternoon, if it had not been a trouble to you, to have returned my answer upon a little advisement with my self; but seeing you have not thought it convenient to proceed this way, truly I think I may very well say, that I had need have a little thoughts of the thing to return an answer to it, lest your debate should end on my part, with a very vain discourse, and with lightnesse, which it is very like to do: I say therefore if you think to proceed farther to speak to these things, I should have made my own short animadversions on the whole this afternoon, and made some short reply; and this would have usherd me in, not onely to have given the best answer I could, but to have made my own objections.

Lord Chief Iustice.

SInce it is your Highnesse pleasure, that it should be spoken now altogether, by those that have any thing to say: I think it will be the intent of the Committee and the Parliament, to give your Highnesse satisfaction in all particulars, both substance and circumstance: I confesse I waited for objections from your Highnesse; that being the principall scope of the Order: Truly my Lord, I stand up with no confidence, that I can adde any thing to what hath been said; but because it pleases your Highnesse to doe us the great favour, to put us to particulars, I think the question before you is but singly thus. I am already *Protector*, and I have that Office put to the Government, whereby we meet the Parliament now; we desire you to take upon you the Office of *King*, why do you so?

That which we are to speak here, is no other, but that which

which we can understand was the sense of the Parliament, in justification of what they have done: I shall not speak any thing of the Government it self, but to this particular, I think the office of a King is a lawfull office, and the Title too, approved of by the Word of God, that's plain. It is plain likewise, it is an Office that hath been exercised in this Nation from the time it hath been a Nation: and I think it is as true that there never was any quarrell with the Office, but the Male-administration, that I can remember, about the ill Government; oftentimes Kings have been blamed, and very justly for their ill Government, but we do not read that there was any challenge by the Parliament, that this Government we desire to be discharged of: if that be true, it is to me a strange ground, having past the scruting of so many Parliaments, where they did debate *de re*: that in all these debats, they did not charge it upon the Nation that the place is a burthen in its own nature, and this too, when Parliaments have had opportunity to have changed the Government. The name of *KING* is a name known by the Law, and the Parliament doth desire that your Highnesse would assume that Title: these are the grounds why the Parliament make it their humble Advice and requeſt to your Highnesse, that you would be pleased to assume that Title, and I think there is something more in it: you are now Lord *Protector* of the Three Nations, by the instrument, and there is a clause of this Government that you should govern according to Law, and your Highnesse is sworn to that Government: the Parliament doth apprehend that it is almost impossible for your Highnesse to answer the expectation of the people to be governed by the Laws, and yet you are so tied up, that neither they can rationally call for it, nor you conscientiously do it; & so here is neither Lord *Protector*, nor the people, upon a sure

eſtabliſhment, for there ſtands the caſe: A *King* hath run thorough ſo many ages in this Nation, and hath Governed the Nation by that Title and Stile that it is known to the Law; for the Law of the Nation is no otherwiſe, then what hath been a cuſtome to be practiſed, as is approved by the people to be good; thats the Law and nothing elſe, excepting Acts of Parliament; and now they have been Governed by that *Title*, and by that *Miniſter*, and by that *Office*. If ſo be your Highneſſe ſhould doe any Act, and one ſhould come and ſay, *My Lord Protector*, why are you ſworn to Govern by the Law, and you do thus and thus, as you are Lord *Protector*, do I? why, how am I bound to doe? why, the *King* could not have done ſo, why, but I am not *King*, I am not bound to doe as the *King*, I am Lord *Protector*; ſhew me that the Law doth require me to doe it as *Protector*, if I have not acted as *Protector*: ſhew me where the Law is why you put any one to a ſtumble in that caſe: this is one thing that I humbly conceive, did ſtick in the Parliament as to that particular. Another thing is this, you are Protector, which is a new Office not known to the Law, and made out of doors: you are call'd upon, that you would be pleaſed to accept that Office of a *King*, that is, by the whole people: It's the firſt Government that ſince theſe troubles hath been tendred, by a generall and univerſall conſent of the people. Another thing is this, if any ſhould find fault with them, and ſay, why, how came you to make Governments in this caſe? why, the anſwer is, we are a Parliament, and have your ſuffrage, you have ever truſted us with all your Votes, & we will juſtifie it: but beſides, we have not done it neither; we have but ſettled it upon the old Foundations, Then the *Kingſhip*: however ſome may pretend, a *King's* prerogative is ſo large, that we know it not, it is not bounded, but the Parliament

are not of that opinion. The *Kings* prerogative is known by Law, he did expatiate it beyond the dutie; that's the evil of the man but in *Westminster* Hall: The Kings prerogative was under the Courts of Iustice, and is bounded as well as anie acre of Land, or anie thing a man hath, as much as anie controversie between partie and partie: And therefore the Office being lawfull in its nature, known to the Nation, certain in it self, and confined and regulated by the Law, and the other Office being not so, that was a great ground of the reason, why the Parliament did so much insist upon this Office and Title, not as circumstantiall, but as essentiall; yea, it is the head from whence all the Nerves & Sinews of the Government do proceed, as was well said by the Master of the Rolls: If we put a new head, its a question whether those Nerves and Sinews will grow, and be nourished and strengthned with that head. I had something in my thoughts which I had forgot; something of an objection. Why are you so pertinacious, or insist so much upon this Title? you may not applie all the Powers and Authorities unto the Office of *Protector*, and then you will give satisfaction: I must needs say, he that makes this objection, makes it but meerly but a Name. If anie shall say, I am content the *Protector* shall have the Office, but not the Name, I think this man is verie strait laced; then he puts it meerly upon the word, and truly if there be no more in it, if there be nothing but that word, you have in the ballance with it, the desires of the Parliament; I beseech you doe not break with your Parliament for a word. Another objection is, we have been under the *Protector*, and the Iudges have taken their Office under that Government, and the Iudges have taken their measure by the Authoritie of the *King*, and have taken it to be the same with that of *King* and so go on. I confesse that the Iudges have gone very far that way,

and

and I may not ſpeak my own opinion of this caſe in this place, but yet it is very well known that there hath been variety of opinions, and judgements in this caſe, even from thoſe that have been Iudges of the Nation, and I do not take the people upon a very good eſtabliſhment, when there ſhall be doubtings, in thoſe that ſhould be beſt knowing. I would never make a doubt that tends to the ſhaking of foundations, if I ſhould avoid it. The taking of this office will avoid a doubt, the continuing of the other office may be more uncertain: I would never make a doubt where it may be dear: perhaps the taking of the other would reduce men to ſatisfaction; there is but a perhaps in the one, and a certainty in the other.

11. *Of* April, Sir *Charles Wooleſley.*

NOt onely we that are here, but many honeſt hearts in *England*, rejoyce to ſee this day, wherein your Highneſſe and the Parliament, are with ſo much nearneſſe and affection, debating the ſettlement of the Nation; One reaſon why your Highneſſe ſhould take this title offered you by the Parliament, is becauſe as you ſtand in relation to the old government you are obliged to the law: yet have not the advantage of the law, which the chief Magiſtrate ought to have. The law knows not a *Protector*, and requires no obedience from the people to him. The Parliament deſires to ſettle one ſo, that the people may know your dutie to them, and they their duty to you. The Parliament find the mindes of the people of theſe Nations much ſet upon this *office*, and *title*: God hath by his providence put a generall deſire of it in the Nation, and they think in things not unlawfull they ought

to hearken, and to be much inclined by the desires of them that sent them, and in such things as are for their good, as this is; to be much provoked thereby to the doing of them.

Truly Sir, it hath been much in the thoughts of the Parliament, that the reason why things of late have been so unsettled throughout in the Nations, hath been because, that to the body of this people, there hath not been a legall head: The well-being of the head, is not more necessarie to the wholsome constitution of the body naturall, then a right head is necessarie to the body politick. I may humbly tell your Highnesse, this Nation hath ever been a lover of *Monarchy*, and of *Monarchy* under the Title of a *King*: the name and Office hath for above a thousand yeares been in this Nation: though they have often changed their Princes, yet never the Name nor Office. 'Tis the great Common Law, that is the Custome of the Nation, approved good by many ages, to have the Office and Name of a *King*; no new Law that makes any other, can have that validity, which the Custome of so many ages hath. Sir, the Parliament doth judge the safety of your person much concerned to take this Title; and 'tis not your self they look to (though their hearts are full of honour I may say it to your Highnesse as can be) but to you as chief Magistrate, representing the people, and being head of the Law, and all Magistracy; the people hath a share and concernment in you: We see this hath been the great encouragements of these attempts against your person, that the Law did not take notice of you as chief Magistrate, and that Iuries were generally backward to find any guilty for Treason, for attempting against you: the Parliament cannot thing it fit, to have their chief Magistrate in such a condition. Your Highnesse hath been pleased to call your self (as when you speak

to

to the Parliament) a *servant*, you are so indeed to the people, and 'tis your greatest honour so to be. I hope then Sir, you will give the people leave to name their own servant, that is a due you cannot, you will not certainly deny them, Their Representatives desire you will serve the people under this title, and were there no other reason, therefore it is the best. I beseech your Highnesse consider, if you should refuse this *Title*, the Parliament presents you with, you do not onely deny your self the honour they put upon you, but you deny the Nation, you deny the people their honour, which by right they ought to have. 'Tis this honour and their just birthright, to have a Supreme Magistrate with the title of a King. I know Sir, though you can deny your self, yet you will not deny the Nation their due, when their Representative challenge it from you. The Parliament have highly engaged all the good people of this Nation, to make you who are one of them, (and have been in these troubles their head and leader) to be their King. And certainly Sir, whatever dissatisfaction may be in this case, it ought not to weigh, if there be any judge on Earth of the peoples good, 'tis the whole people represented together, and what others say, it is but by individuals. Sir, the Parliament have hundreds, nay thousands upon their backs, the good people of the Nation, a quiet peaceable people, with you, and what the Parliament shall judge fit, is their dutie, and no doubt they will submit: Sir, were there in this matter no other reason why you should accept this, I know this alone, which indeed is the greatest reason I can give, would sway you above any thing, that what is before you is the advice of your great Council the Parliament.

Lord Commissioner Fines.

I Shall offer what I conceive from their debates to be the reasons why they advise your Highnesse to this Title, and seeing what is in the fountain must be conveyed by such pipes, I shall clear the state of the question: In the first place, if I mistake not, is onely upon *name*, not upon any thing, not upon the office of a *King*, but upon the title of a *King*, for the question is, whether the same thing shall be signified by the office of a *King*, under the name of a *King*; or by the office of a *King* under the name of a *Protector*. Undoubtedly the office of a *King* may be more exercised under another name, then it may if the powers be not *Kingly*, though the name be there; he that said he would not do his Masters will, and yet did it, did it more then he that said he would, and yet did it not: he that hath all the powers and authorities of a King, is a King though he have not the name. Either there must be a diversitie and for any thing that may difference it by the name it self: truely Sir, either this must be done, you must enumerare all the powers of *Protector*, or what is left enumerated must be the same thing as the law sayes is the duty of a King, and this I think the Iudges have determined, this being the clear state of the question, the difference will arise meerly upon a name, and the Parliament did not think it agreeable to their wisdome for them to look upon all the laws and all the cases, and make the name of *Protector* to suit them, or else leave it lawlesse and boundlesse, but what was not confined to the power of a King, was confined to the dicision of the law. That being so, the Parliament thinks it is fit for them to do as all wise men do, in making names, they give our names according to the nature of the thing, and either they must fit all the laws to the name, and that is impossible, or leave the

name

name unbounded and that's intolerable. All creatures were brought to *Adam* to give them names, he gave them according to their natures. And so the Parliament considers what the thing is that they were about to advise your Lordship to, the Parliament find this to be the same Government as was before, and if they would have that why not their old name: if the thing, why not the title. Truly it seems verie reasonable that names should be proportioned to the thing; they have found divers reasons why the name should be *King*, because it is a thing clear to all the world that the people are more willingly obedient to old things and names then to new, and so farre as old things can be retained without danger or inconvenience, it is the wisdome and dutie of all Governours to retain them. I remember in the stories of our wars with the French: *E.*3. had assistance from *Flanders*. One thing more of the name of the *Protector* be considered within my relation to the lawes of this Land: everie one knowes it does not relate to him that hath the chiefe Magistracy, but as he was Tutor or Gardian to another, thats all the legall Notion or use of the name *Protector* in this Land, and the holding this name doth hold forth a gap of apprehension and expectation, that there may be a change, these are in substance that which I can remember of the debates of the Parliament.

Lord Com. Lisle.

I Humbly conceive that in this title offered to your Highness by the Parliament, they doe take the same care for your Highness, as *Iethro* took for *Moses*, they find the weight of the Government as it is now upon you under the title *Protector* is a burthen, that will wearie both your self and the people likewise, and therefore they doe desire your Highness will be pleased to accept of that title that may be an ease to your Highness

and to the people, the greatest weight and burthen of government, is when there is a jealousie between the Prince and the people for want of a right understanding, though neither Parliament nor people have a jealousie of your person, yet of the title they have, for want of a right understanding: But if your Highness will be pleased to accept of the title that is now offered, all jealousies will be done away, for they will then understand what you are, and truely Sir I think the jealousie will be higher now, then at first when the remonstrance was offered to you: For the title of *Protector* is either the same thing in power with the title of *King*, or it is something else. If it be something else then what the title of *King* is when it is confined, and that will raise their jealousie verie much. If it be the same thing then there is nothing of difference, but a name, and they will think there is more then a name, if the Parliament doe offer it to your Highness, and your Highness should wave it.

Sir the Parliament did think that your Highness was never able to provide to doe justice to the Nation for the present, nor that peace should be maintained in the Nation for the future, unlesse your Highness accept of this *title*. Nationall justice does consist in two things, that you doe right to the people with relation to their just rights in relation to the Parliament, That you doe right to the people in relation to their just rights according to the law of the Land. Sir, the Nations rights in Parliament can never be done to the people, unlesse the Parliament hath it's ancient in relation to the Government: and they can never have their right in relation to the law, unlesse the lawes have their ancient right in relation to the Governours. Sir the reason why the Parliament doth now offer it, as I conceive is this, Sir, they did consider the case of *David*, it was the proper title to offer the title to *King David*, when the Elders of

Israel

Israel and the people did Covenant with *King David* at *Hebron*. The remonstrance offered to your Highness is the Covenant of the three Nations, both for spirituall and civill liberties. If there was a proper time to make *David King*, when they Covenanted with him at *Hebron*; it is now a proper time for you to accept this title when the Parliament hath brought this with a Covenant for the three Nations, that relates both to their civill and spirituall liberties.

Lord Broghill.

Sr. I can adde so little to what hath been already spoken, that were it not in obedience to command, I should with much more satisfaction be silent then now speak, but being under an obligation, I may not violate, I shall in obedience thereof presume to lay my poor thoughts before you; but first I shall take the boldnesse to say, I believe it is a thing impossible for anie to particularize everie individuall reason, which invites a Parliament to passe anie Vote; for the Parliament is a body consisting of manie Members, and all of them relish those arguments and reasonings, which are most consonant to everie mans apprehension, in which there is so great variety, that though when a Vote is past, we may conclude that Vote is the sense of the House, yet we cannot say, that these, and none but these reasons produced that result: I onely mention this Sir, that whatever I shall speak may be considered by you, but as my poor apprehension; what in some degree might have contributed to move the Parliament to petition, and advise your Highness, to assume the title, and office of *King*: for it would be to high a presumption in anie Member, especially in me above any, to dare averre that what I should now say, did onelie invite the Parliament to give your High.

Highneſs that Counſell, having thus humblie premiſed what I held my ſelf obliged unto in dutie, I ſhall now proceed to acquaint you what in my weak judgement did in ſome meaſure move the Parliament to doe what they have done.

Firſt, I humblie conceive, that the title of *King* is that which the law takes notice of, as the title of ſupream Magiſtrate, and no other, and that the old foundations that are good, are better then anie new ones, though equally good in their own nature; what is confirmed by time and experience carries along with it the beſt triall, and the moſt ſatisfactorie ſtamp and authoritie.

Secondly, it was conſidered too, that it was much better that the Supreme Magiſtrate ſhould be fitted to the lawes that are in being, then that thoſe lawes ſhould be fitted unto him.

Thirdly, the people legally aſſembled in Parliament having conſidered of what title was beſt for the ſupreme Magiſtrate, did after a ſolemn debate thereof pitch upon that of *King*, it being that by which the people knew their dutie to him, & he the dutie of his office towards them, and both by old and known lawes.

Fourthly, there is hardly any who own Government at all in theſe Nations, but think themſelves obliged to obey the old lawes, or thoſe which your Highneſs & the Parliament ſhall enact. So that if the ſupreme Magiſtrate of theſe three Nations be intituled *King*, all thoſe who reverence the old lawes, will obediently and chearfully accept of him, as that which is ſettled, upon the eſtabliſhment they own, and all that own this preſent authoritie will doe the like, becauſe grafted by it, by which none can reſt unſatisfied that think it a dutie to obey former authorities or the preſent.

Fifthly, the former authorities know no ſupreme Magiſtrate, but by the title of *King*, & this preſent authoritie de-

desires to know him by no other, which if refused, might it not to much heighten our enemies, who may boulster up their faint hopes, with saying to one another, and to those which assist them, that their cheif is not onely under that title which all past Parliaments have approved, but under that title which even this Parliament does approve likewise, and that your head is not known by the former lawes, and has refused to be known by that application which even the Parliament, that he himself hath called doth desire to know him by.

Sixthly, by your Highness bearing the title of *King*, all those that obey and serve you, are secured by a law made long before anie of our differences had a being in the: 11. *Hen.* 7. where a full provision is made for the safetie of those that shall serve whoever is *King*: 'tis by that law that hitherto our enemies have pleaded indemnitie, and by your assuming what is now desired, that law which hitherto they pretended: for their disobedience tyes them even by their own profession, and principals to obedience, and I hope taking of all pretences from so numerous a partie may not be a thing unworthie consideration; that the law seems verie rationall, for it doth not provide for anie particular familie or person, but for the peace and safetie of the people by obeying whoever is in that office and bears that title. The end of all Government is to give the people justice, and safetie, & the best means to obtain that end is to settle a supreme Magistrate; it would therefore seem verie irrationall, that the people having obtained the end, should decline that end onely to follow the means, which is but conducing to that end; so that if the title & office of *King*, be vested in your Highness, & that thereby the people enjoy their rights, & peace, it would be little less then madness, for any of them to cast of those blessings, onely in order to obtain the same end under another person.

Seventh-

Seaventhly, there is at preſent but a divorce between the pretending King and Imperiall Crown of theſe Nations, and we know that perſons divorc't may marry again, but if the perſon be married to another, it cuts of all hope. Theſe may be ſome of thoſe reaſons, which invited the Parliament to make that deſire, and give that advice to your Highneſſe of aſſuming the Title of *King*. There is another, and a very ſtrong one, which is, that now they have actually given you that advice; and the advices of the Parliaments, are things which alwayes ought, and therefore I am confident will carrie with them very great force & Authority: now doth this advice come ſingly, but accompanied with many other excellent things, in reference to our civil and ſpirituall Liberties, which your Highneſſe hath born a juſt and ſignall teſtimony to. It is alſo a Parliament, who have given unqueſtionable proofs of their affection to your Highneſſe; and who, if liſtned to in this particular, will be thereby encouraged to give you more.

Lord Protector.

I have very little to ſay to you at this time, I confeſſe I ſhall never be willing to deny, or defer thoſe things that come from the Parliament, to the Supream Magiſtrate, if they come in the bare and naked Authourity of ſuch an aſſembly as known by that name, and are really the repreſentation of ſo many people, as a Parliment of *England*, *Scotland* and *Ireland* is: I ſay it ought to have its weight, and it hath ſo, and ever will have with me. In all things a man is free in to anſwer deſires, as coming from Parliaments: I may ſay that, but in as much as the Parliament hath been pleaſed to condeſcend to me ſo far, to de me this honor, a very great one added to the reſt, to give me the advantage of ſo many members of theirs, ſo able, ſo underſtanding the grounds of things; It is I ſay, a very ſingular honour and favour to

me

to me; and I confeſſe, I wiſh I may, and I hope I ſhall doe that becomes an honeſt man to doe, in giving an anſwer to theſe things, according to the deſire, that either I have, or God ſhall give me, or I may be helped by reaſoning with you into; and I did not indeed in vain alledge Conſcience to the firſt anſwer I gave, but I muſt ſay, I muſt be a very unworthy perſon, to receive ſuch favour, if I ſhould prevaricate, when I ſaid things did ſtick upon my Conſcience, which I muſt ſtill ſay they doe; onely I muſt ſay, I am in the beſt way that I can be for information, I ſhall gladly receive it. Here hath been divers things ſpoken by you to day, with a great deale of judgment, and abilitie, and knowledge; and I think the things, or the arguments, or reaſonings that have been uſed, have been upon theſe three accompts: to ſpeak to the thing ſimply, or in the abſtract, notion of the Title, and the poſſitive reaſons upon which it ſtands, and then comparatively, both in the thing, and in the foundation of it, which, what it is to ſhew the goodneſſe of it comparatively. It is alledged to be ſo much better then what is, and that is ſo much ſhort of doing the work that this will doe: and thirdly ſome things have been ſaid by way of precaution, upon arguments that are little from the thing, in the nature of it, but are conſiderations from the temper of the people of the Nation, what will gratifie them, which is ſurely conſiderable, as alſo by way of anticipation of me, in my anſwer, by ſpeaking to ſome objections that others have made againſt this thing: Theſe are things in themſelves each of them conſiderable, to anſwer to objections; I know it is a very weighty thing, and to make objections is very eaſiy, and that will fall to my part, and I am ſure I ſhall if I make them to men that know ſo well how to anſwer them, becauſe they have in part received them from others, upon the debates already had; but upon

upon the whole matter, I having as well as I could taken these things that have been spoken, which truely are to be acknowledged by me to be very learnedly spoken, I hope therefore you will give me a little time to consider of them, when it may be your best time for me to return to you, to meet you again, I shall leave that to your consideration.

Lord Whitlock.

Your Highnesse will be pleased to appoint your own time.

Lord Protector.

On Munday at 9. of the clock, I will be ready to wait upon you.

His Highnesse answer at the Conference at the Committee at Whitehall April *the* 13. 1657.

My Lord,

I Think I have a very hard task upon my head, though it be but to give an accompt of my self, yet I see I am beset on all hands here, I say but to give an accompt of my self, but it is in a businesse that is very comprehensive of others in some sence to us, and, as the Parliament have been pleased to make it, all the interests of these three Nations.

I confesse, I consider two things: first to return some very answer to the things that were so ably, and well said the other day, on behalf of the Parliaments putting that *Title* in the instrument of settlement, I hope it will not be expected that I should answer to every thing that was then said, because I suppose the main things that were spoken, were arguments from ancient constitutions, and settlement by the laws, of which I am sure I could never be well skild, and therefore must ask the more pardon in what I have transgressed in my practice, or shall now transgresse through my ignorance of them in my answer to you. Your

Your arguments which I say where chiefly upon the law, seems to carry with them a great deal of necessary conclusion, to inforce that one thing of *Kingship*; and if your argument come upon me to inforce upon the ground of necessity, why then I have no room to answer, for what must be, must be, and therefore I did reckon it much of my businesse to consider whether there were such a necessitie, or would arise such a necessity from those arguments.

It was said that *Kingship* is not a title but an office, so interwoven with the Fundamentall laws of this Nation, as if they could not, or well could not be executed, and exercised without, partly (if I may say so) upon a supposed ignorance of the law, that it hath of any other title, it knows no other, neither doth any other know it, the reciprocation is said this *title*, or *name*, or *office*, as you please to say is understood in the dementions of it, in the power and prerogatives of it, which are by the law made certain, and the law can tell when it keeps within compasse, and when it exceeds it limits, and the law knowing this, the people can know it also, and people do love what they know, and it will neither be *pro salute populi*, nor forour safetie to obtrude upon them names; that they do not, nor cannot understand.

It is said also, that the people have been alwaies by their Representatives in Parliament, willing to vary names for as much as hath been said before they love settlement. And there were two good instances given of that, the one in K. *James* his time about his desire to alter somewhat of the title, & another in the long Parliament, wherein they being otherwise rationally moved to admit of the word Representative instead of Parliament, they refused it for the same reason. It hath been said also, that the holding to this word doth strengthen the

settlement, becaufe it doth not any thing *de novo*, but refolves things in their old currant: It is faid, it is the fecuritie of the chief Magiſtrate, and that it ſecures all that act under him, truely theſe are the principall of thoſe grounds that were offered the laſt day, ſo farre as I do recollect. I cannot take upon me to refell thoſe grounds, for they are ſo ſtrong and rationall, but if I ſhall be able to make any anſwer to them, I muſt not grant that they are neceſſarily concluding, but take them onely as arguments, that they have perhaps much of conveniency, and probability towards concluding, for if a remedy or expediment may be found that they are not neceſſary, they are not inevitable grounds, and if not neceſſary, and concluding, why then they will hang upon the reaſon of expediency, or conveniency, and if ſo, I ſhall have a little liberty, otherwiſe I am concluded before I ſpeak, and therefore it will behoove me to ſay what I have, why they are not neceſſary concluſions, not that they are, nor that it is (I ſhould ſay) ſo interwoven in the laws, but that the laws may not poſſiblie be executed to equall juſtice and equall ſatisfaction of the people, and equally to anſwer all objections as well without it, as with it, and then when I have done that, I ſhall onely take the liberty to ſay a word or two for my own grounds, and when I have ſaid what I can ſay as to that, I hope you will think a great deal more then I ſay.

Truely though *Kingſhip* be not a title but a name of office that runs through the law, yet it is not ſo *ratione nominis*, but from what is ſignified, it is a name of office plainly implying a Supreme Authoritie, is it more, or can it be ſtretcht to more? I ſay it is a name of office plainly implying the Supreme Authority, and if it be ſo, why then I would ſuppoſe, (I am not peremptory in any thing that is matter of deduction or inference

ference of my own.) Why then I should suppose that whatsoever name hath been or shall be the name, in which the supreme Authoritie shall Act, why, (I say) if it had been those 4. or 5. letters, or whatsoever, or whatsoever else it had been, that signification goes to the thing, certainly it does, and not to the name, why then there can be no more said, but this, why this hath been first, so it may have been unfirst, and certainlie in the right of the Authoritie. I mean as a legislative power, in the right of the legislative power. I think the Authoritie that could Christen it with such a name, could have called it by another name, and therefore it was but derived from *them*. And certainlie they had the disposall of it and might have had it, they might have defaced, or changed it. And I hope it will be no offence to you, to say (as the case now stands) so may you, and if it be so that you may, why then I say, there is nothing of necessitie in your Argument, but consideration of expedience of it, I had rather (if I were to chuse) if it were the naturall question, which I hope is altogether out of the question. But I had rather have anie name from this Parliament, then anie name without it, so much doe I value the Authoritie of the Parliament, and I believe all men are of my mind in that I believe the Nation is verie much of my mind, though that be an uncertain way of arguing what mind they are of. I think we may say it without offence (for I should give none, though the Parliament be the truest way to know what the mind of the Nation is, yet if the Parliament will be pleased to give me a libertie to reason for my self, and that that be made one Argument, I hope I may urge against that, else I can freelie give a reason of my own mind, but I say undoubtinglie (let us think what we will) what the Parliament settles in that which will run through the law, and will lead the thread of Government through

the Land, as well as what hath been, considering that what hath been upon the same account, save that there hath been some long continuance of the thing, it is but upon the same account, it had it's originall somewhere, and it was an consent of the whole, there was the originall of it and consent of the whole, will I say be the needle that will lead the thread through all, and I think no man will pretend right against it, or wrong and (if so) then under favour to me, I think all those arguments from the law are (as I said before) not necessarie, but are to be understood upon the account of convenience, it is in your power to dispose and settle, and before we can have confidence that what you doe settle, will be as authentick as those things that were before, (especially as to the individuall thing) the name or title upon Parliamentarie account, upon Parliamentarie, why then I say there will be way made (with leave) for me to offer a reason or two, to all that hath else been said, otherwise I say my mouth is stopt: there are verie manie inforcements to carrie on this thing, I suppose it will stand upon a way of expedience and fitness, truly I should have urged one consideration more that I had forgotten, & that is not one lie to urge the things for reason, but for experience perhaps it is a short one, but it is a true one, (under favour) & is known to you all in the fact of it (under favour) although there hath been no Parliamentarie declarations, that the supreme Authoritie going in another name, and under another title, then *King*, why it hath been complyed with twice without it. That is under the *Custodes Libertatis Angliæ*, it hath since I exercised the place, and truly I may say that almost universall obedience hath been given to all the ranks, and sorts of men to both, and to begin with the highest degree of Magistracy at the first alteration, and when that was the name, and though in

was

was, the name of an invisible, thing, yet the verie name (though a new name) was obeyed, did passe for current, and was received, and did carrie on the justice of the Nation. I remember verie well that my Lords the Judges were somewhat startled, and yet upon consideration, (if I mistake not) I believe so, there being of them without reflexion, as able and as learned as have sat there (though they did I confess at first demur a little) yet they did receive satisfaction, and did act as I said before, I profess it, for my own part, I think I may say it since the beginning of that change, I would be loath to speak anie thing vainlie, but since the beginning of that change unto this day, I doe not think, in so manie years those that were called, (& worthily so accounted) Halcion daies of peace in 20. *Eliz:* and K. *James*, and K. *Charles* time; I do not think, but that the lawes did proceed with as much freedome & justice, with less private solicitation either from that, that was called then so, or since I came to the Government; I do not think (under favour) that the lawes have had a more free exercise, more uninterrupted by anie hand of power, the judge less solicited by letters or private interpositions either of my own or other mens, in double so manie years in all those times of peace, and if more of my Lords the Judges were here then now are, they could tell what to say, to what had been done since, & therefore I say (under favour) these two experiences doe manifestly shew, that it is not a *Title*, though so interwoven with the lawes, that makes the law to have it's free passage & doe it's office without interruption, (as we think,) but that if a Parliament shall determine that another name shall run through the lawes, I believe it may run with as free a passage as this, which is all that I have to say upon that head.

And if this be so, then truly other things may fall

under a more indifferent consideration, and then I shall arrive at some issue to answer for my self in this great matter, and all this while nothing that I shall say doth anie way determine against my resolution, or thoughts against the Parliament, but reallie, and honestlie, and plainlie, considering what is fit for me to answer. The Parliament desires to have this *Title*, it hath stuck with me and yet doth stick, and trulie although I hinted the other day, that is thought that your arguments to me did partlie give positive grounds for what was to be done, and comparative grounds, saying that which you were pleased to doe, and I gave no cause for that I know off, that is to compare the effects of *Kingship* with such a name as I for the present bear with *Protectorship*, I say I hope it will not be understood, that I doe contend for the name or anie name or anie thing, but trulie and plainlie (if I speak as in the Lords presence) I in all things right as a person under the disposition of the providence of God, neither naming one thing nor other, but onelie answering to this *Name*, or *Title*; for I hope I doe not desire to give a rule to anie bodie, because I have professed I have not been able, and I have said truelie I have not been able to give one to my self, but I would be understood in this, I am a man standing in the place I am in, which place I undertook not so much out of the Hope of doing anie good, as out of a desire to prevent mischief and evill which I did see was eminent in the Nation. I say we were running headlong into confusion, and disorder, and would necessarilie run into bloud, and I was passive to those that desired me to undertake the place which now I have, I say not so much of doing good, which a man may lawfully, if he deal deliberatelie with God and his own conscience, a man may, I say, lawfullie if he deal delibe-

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ratelie with God and his own conſcience, a man may lawfullie as the caſe may be (though the caſe is verie tickle) deſire a great place to doe good in. I profeſs I had not that apprehenſion when I undertook the place that I could doe much good, but I did think that I might prevent eminent evill, and therefore I am not contending for one name compared with another, and therefore have nothing to anſwer to anie arguments, that were uſed in giving preference to *Kingſhip* or *Protectorſhip*, for I ſhould almoſt think that anie name were better then my name, and I ſhould altogether think, anie perſon fitter then I am, for anie ſuch buſineſs: and I complement not (God knows it) but this I ſhould ſay, that I doe think from my verie heart, that in your ſettling of the peace, and liberties of this Nation, which cries as loud upon you as ever Nation did; for ſomewhat that may beget a conſiſtance: otherwiſe the Nation will fall to pieces, and in that as far as I can, I am readie to ſerve not as a King, but as a Conſtable, for trulie I have, as before God, thought it often, that I could not tell what my buſineſs was, nor what I was in the place I ſtood, ſave comparing it with a good Conſtable, to keep the peace of the Pariſh, and trulie this hath been my content & ſatisfaction in the troubles that I have undergone, that yet you have peace, why now trulie (if I may adviſe) I wiſh to God you may but be ſo happie as to keep peace ſtill if you cannot attain to theſe perfections, as to doe this, I wiſh to God we may have peace, (that doe I) but the fruits of Righteouſneſs are ſhown in meekneſs, (a better thing then we are aware of) I ſay therefore I do judge for my ſelf, their is no ſuch neceſſitie of the thing, for the other names may doe as well, I judge for my ſelf, I muſt ſay a little, I think I have ſomewhat of conſcience to anſwer as to this matter, why I cannot undertake this *Name*, why

truly I must needs go a little out of the way to come to my reasons, and you will be able to judge of them, when I have told you them, and I shall deal seriously, as before God; if you doe not all of you, I am sure some of you doe, and it behoves me say, I know my calling from the first to this day: I was a person that from my first employment was suddenly preferred and lifted up from lesser trusts to greater, from my first being a Captain of a Troop of Horse, & I did labour (as well as I could) to discharge my trust, & God blessed me as it pleased him, and I did truly and plainly, and then in a way of foolish simplicitie (as it was judged by verie great and wise men, and good men too) desired to make of my instruments to help me in this work; and I will deal plainly with you, I had a verie worthie friend then, and he was a verie noble person, and I know his memorie was verie gratefull to you all,

Mr. *John Hamden*. At my first going out into this Engagement (I saw) their men were beaten at everie hand; I did indeed, & I desired him that he would make some additions to my Lord *Essex's* Armie, of some new Regiments, and I told him I would be serviceable to him, in bringing such men in, as I thought had a spirit that would do something in the work: this is verie true that I tell you, God knowes I lie not; your Troops said I, are most of them old decayed Servingmen and Tapsters, and such kind of Fellows; and said I, their Troops are Gentlemens Sons, younger Sons, and persons of qualitie, doe you think that the spirits of such base and mean Fellows will be ever able to encounter Gentlemen, that have Honour, and Courage, and Resolution in them: Truly, I presented him in this manner conscienciously, and truly I did tell him, you must get men of a spirit, and take it not ill what I say (I know you will not) of a spirit that is

like

likely to go on as far as Gentlemen will go, or else. I am sure you will be beaten still, I told him so, I did truly. He was a wise and worthie person, and he did think that I talked a good notion, but an impractable one; truly I told him I could doe somewhat in it, I did so, and truly I must needs say that to you (impart it to what you please) I raised such men as had the fear of God before them, and made some Conscience of what they did, and from that day forward I must say to you, they were never beaten, and wherever they were engaged against the enemie they beat continually; and truly this is matter of praise to God, and it hath some instruction in it to own men that are religious and godly, and so manie of them as are peaceably, and honestly and quietly disposed to live within Government, as will be subject to those Gospell Rules, of obeying Magistrates, and living under Authoritie; I reckon no godlinesse without this Circle: but without this spirit, let it pretend what it will, it is diabolicall, it is divelish, it is from diabolicall spirits, from the height of *Jathans* wickednesse; why truly I need not say more then to apply it thus.

I will be bold to apply this to this purpose, because it is my all, I could say as all the world sayes, and run headily upon anie thing; I must tender this to you, as a thing that swayes with my Conscience, or else I were a *Knave* and a *Deceiver*, I tell you there are such men in this Nation, that godly men of the same spirit, men that will not be beaten down with a worldly nor carnall spirit, while they keep their integritie: I deal plainly and faithfully with you, that I cannot think that God would blesse in undertaking of anie thing that will justly and with cause grieve them, that they will be troubled without cause; I must be a *Slave* if I should comply with any such humour, I say that are honest

men, and faithfull men, and true to the great things of the Government, to wit, the Libertie of the people, giving them that is due to them, and protecting this Interest, I think verily God will blesse you for it; but if that I know (as indeed I doe) that very generally good men doe not swallow this Title, (though really it is no part of their goodnesse) to be unwilling to submit to what a Parliament shall settle over them, yet I must say, that it is my dutie and my Conscience to beg of you, that there may be no hard things put upon me; things I mean hard to them, that they cannot swallow; If the Nation may as well be provided for without these things that I have Printed to you, as according to my apprehension, it may, I think truly it will be no sin in you, it will be to you as it was to *David* in another case; no grief of heart to yours, that you have a tendernesse, even possibly, if it be their weaknesse, to the weaknesse of those that have integritie, and honesty, and uprightnesse, and are not carried away with the hurries that I see some are, who think that their virtue lies in dippING Authoritie, opposing it: I think you will be the better able to root out of this Nation that spirit and principle; and it is as desireable as any thing in this world, by complying, indulging, and being patient to the weaknesse and infirmities of men that have been faithfull, and have bled all along in this cause, and are faithfull, and will oppose all oppositions; I am confident of it, to the things that are the fundamentals in your Government, in your settlement, for civil and Gospell Liberties.

I confesse, for it behoves me to deal plainly with you, I must confesse, I would say, I hope I may be understood in this, for indeed I must be tender, what I say to such an audience as this is; I say I would be understood, that in this Argument I doe not make Parallel, between men of a different mind and a Parliament which shall have

their

their desires; I know there is is no comparison, nor can it be urged upon me, that my words have the least colour that way, because the Parliament seems to give libertie to me to say anie thing to you; as that, that is a tender of my humble reasons, and judgment, and opinion to them; and if I think they are such, and will be such to them, and are faithfull servants, and will be so to the Supream Authoritie, & the Legisslative whereso'ever it is: if, I say, I should not tell you, knowing their minds to be so, I should not be faithfull, if I should not tell you so, to the end you may report it to the Parliament: I will say something for my self, for my own minde, I do professe it, I am not a man scrupulous about words, or names, or such things I have not, but as I have the word of God, and I hope I shall ever have, for the rule of my Conscience, for my informations: so truly, men that have been led in dark paths, through the providence & dispensation of God, why, surely it is not to be objected to a man, for who can love to walk in the dark, but providence doth often so dispose. And though a man may impute his own folly and blindnesse to providence sinfully, yet it must be at my perill: the case may be, that it is the providence of God that doth lead men in darknesse; I must needs say, I have had a great deal of experience of providence, & though it is no rule without or against the word, yet it is a verie good expositer of the word in manie cases. Truly the prudence of God hath laid aside this *Title* providentially *de facto*, and this not by suddain humor or passion, but it hath been by issue of as great deliberation as ever was in a Nation, it hath been the issue of 10 or 12 yeares civil war, wherein much blood hath been shed; I will not dispute the justice of it, when it was done, nor need I now tell you what my opinion is in the case, were it *de novo* to be done, but if it beat all disputable, and that a man comes and findes that God

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in his severity hath not onely irradicated a whole family, & thrust them out of the land for reasons best known to himself, and hath made the issue and close of that, to be the very irradication of a *name* or *title* which *de facto* is, it was not done by me nor by them that tendered me the government, that now I act in, it was done by the long Parliament, that was it, and God hath seemed providentiall, not onely to strike at the family, but at the *Name*, and as I said before *de facto* it is blotted out, it is a thing cast out by an act of Parliament, 'tis a thing that hath been kept out to this day, and (as *Jude* saith in another case) speaking of abominable sins that should be in the latter times, he doth likewise when he comes to exhort the Saints, he tells them they should hate even the garments spotted with the flesh. I beseech you think not, that I bring this as an argument to prove any thing, God hath seemed so to deal with the persons, and with the family, but he blasted the title, and you know when a man comes (*à parte post*) to reflect, and see this is done, and laid in the dust, I can make no conclusion but this, they may have strong impression upon such weak men as I am, and perhaps (if there be any such) upon weaker men it will be stronger, I will not seek to set up that which Providence hath destroyed, and laid in the dust, and I would not build *Iericho* again, and this is somewhat to me, and to my Iudgement and conscience, that it is true, it is that that hath an aw upon my spirit, and I must confesse as the times are, they are very fickle, very uncertain, nay (God knows) you had need have a great deal of faith, to strengthen you in your work, and all assistance, you had need to look at settlement, I would rather I were in my grave, then hinder you in any thing, that may be for settlement for the Nation, for the Nation needs, and never needed it more, and therefore out of the love and honour I bear you, I am for ever

bound

bound to do, whatever becomes of me, I am ever bound to acknowledge you have dealt most honourably and worthily with me, and lovingly, and had respect for one that deserves nothing: indeed out of the love and faithfulneſſe I bear you, and out of the ſence I have of the difficultie of your works, I would not have you loſe any help that may ſerve you, that may ſtand in ſtead to you, but would be a facrifice that there might be (ſo long as God ſhall pleaſe to let this Parliament ſit) a harmony, and better, and good underſtanding between all of you, and (whatſoever any man thinks) it equally concerns one man as another to go on to ſettlement, and where I meet with any that is of another minde, indeed I could almoſt curſe him in my heart, and therefore to the end I may deal heartily, and freely, I would have you loſe nothing that may ſtand you inſtead in this way. I would adviſe you, that if there be any of a forward and unmannerly, or womaniſh ſpirit, I would not have you loſe them, I would not that you ſhould loſe any ſervant or friend, that may help in this work, that they ſhould be offended by that, that ſignifies no more to me then as I told you, that is I do not think the thing neceſſary, I do not, I would not that you ſhould loſe a friend for it, if I ſhould help you to many, and multiply my ſelf into many, I would be to ſerve you in ſettlement, and therefore would not that any, eſpecially any of theſe, that indeed perhaps are men that do think themſelves engaged to continue to you, and to ſerve you, ſhould be any wayes diſobliged from you.

The truth is, I did make that my concluſion to you at the firſt, when I told you what Method I would ſpeak to you in, I may ſay, that I cannot with conveniency

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to my self, nor good to this service that I wish so well to, speak out all my arguments in order to safety, and in order in tendency to an effectuall carrying on of this work, I say, I do not think it fit to use all the thoughts I have in my mind, as to that point of safety, but I shall pray to God Almighty that he would direct you to do what is according to his will, and this is that poor account I am able to give of my self in this thing.

16. April, *Lord Chief Iustice* Glynne.

The Name and Office essentiall to Settlement.

First, because it is known to the law, his duty known in reference to the people, and the peoples duty known in reference to him, this cannot be transmitted to another name, without much labour, great hazard, if it may at all. To go by individuals, and reckon up all the duties, and powers that a *King* by our laws hath in reference to his trust towards the people, and the duty of the people towards him, is a work of so great labour, that it would require months, yea years if not ages.

Secondly, to apply its relative, *talis qualis* would introduce these difficulties. First it would be a new thing, how it would prove is but guest, and its the Foundation stone, its unsafe to put it to a hazard, when you have a safe one. Secondly, those certainties, and securities that accompany that title are incident by the ancient laws and customes of the Nations, and that which the other office can have, are introductive, and given him *de novo* from this Parliament, as their ancient inheritance, that can claim but by a new title of purchase.

Thirdly, the people and your Highnesse loose the best title, both to their liberty and your rights, which is the *Law*, *Ancient customs*, and *usage*, and claim it onely but

but upon the strength of the Parliament, but if you take it as a *King*, you have the strength of both.

Fourthly, if you assume any other name, and have the rights given you by Parliament, it may seem as if the people had lost their ancient rights, and had need of new ones to be created by this parliament.

Fifthly, the assumption of the title of *King*, is without need of any other authoritie to protect the people, and binde the people to obey you.

Sixthly, if you should take the name of *Protector*, or any other new title whatsoever authoritie is applied thereto, is but grafting upon a stock that is new, and doubtfull whether it will bear the fruits well, and still liable to former objections without doores.

Seventhly, if you take the title of *King*, the worst affected cannot object against Authoritie, or at all against the Parliament, as the Donor.

16. April, *Master of the Rolls.*

IT is certain that all governments in themselves may be good, for none as *male in se*, but the rule that hath alwayes been observed, that the most necessary and prudent course to govern a Nation must be taken from that proportion which is most suitable to the nature and disposition of the people that are governed, if this be the generall rule alwayes in the world, we may well draw this argument: both from an absolute necessity, and *ex necessitate consequentis* also. The chief governour in a settled government, being obliged to do for the good of his people, not onely *quoad bonum sed quoad optimum*, then the consideration that will follow properly here will be, whether the name *King*, which in the judgement of the law, implies the office, be not the best government for the peoples safety, but *ex necessitate*

resistiate causa, & *ex necessitate consequentis*, to explain this, it be most premised that when we speak of *King*, we must take the difference, between the person dignified with the *Name*, and the *Name* it self: for this must be taken for a sure ground, the word *King* is a name, as it is a word which the Law doth look upon, so it hath it's proper *Basis*, and foundation upon the law and is as ancient as the Law is; now, the Person of the *King* is a name that hath its dignity and foundation from the word *King*, as *ex necessitate consequentis*, because in reason a man must be used to exercise that authority which proceeds from that name. These things being verie clear, by the fundamentall grounds of the Law, if then we examine the foundation of things, according to the rules of the Law, it is manifest that the name *King*, the *Lawes*, *Rights*, *Proper* and *Liberties* of the people, and also *Parliaments* themselves have but one foundation, and have the originall prescription; and ancient customes that is customes time out of mind, so that in judgement of Law the Three, the *King*, the *Law*, and the *Parliament*, are the parties of the Government of this Nation, which having the *Basis* and foundation from prescription, creates this forme of Government in this Nation, which is not a form in the vulgar acceptation of the word (*Forme*) but it is the forme of Government settled in this Nation, that is of the essentiall part, and hereby the law forme *à dat esse*. Then to me it is an impossible thing that anie Act of Parliament, even without a destruction to the essentiall part of the Government, can place that *office* in another name (be what it will) which naturallie wants the foundation and ground of that power and office which that name hath.

First, Because the alteration destroyes the foundation,

tion, which is prescription, and annexes to it a name that the law of the land hath no acquaintance with.

Secondly, it sets all laws, liberties, and what is dear to us upon a new foundation, as to the people, for whatsoever is created by an act, cannot have life, and Authoritie, but from that act; and shall never look back to its first Originall constitution, and it takes from the people, the rules and grounds which they have known by experience, and sends them to seek them in a power, which no wit of man can suddenly apprehend the bounds and limits, when so many doubts may arise, even in the old foundation, which experience and time hath excellently refined from these grounds: I may safely say, that there never was but one *King* in *England* from the first foundation of *Kingship*, and can safely conclude there will never be more, and that there have been many, and more I hope will be whose person exercise that office: for the law doth positively affirm the *King* never dies, and that the reason, because its originall is grounded upon the same foundation, which is so conjoyned together, that no death can make a partition; and the difference is, the *King* never dies, but the name and thing hath a kind in a vulgar sence, of an immortality, if we consider the continuance of the word and person that is invest with that name by the judgement of them, is not said to die, but to devise, which is to deposite, and to lay up the name and title of the King. Indeed to deposite it in another hand, all which proceeds in judgements of law, *ex necessitate consequentis*, and from the necessary inconveniencies and mischiefs that may arise to the people, by *inter Regna*, and by other consequences, that would be to long to relate, there is a famous example in 1. *Hen.* 7.

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same. The common ground that is taken by the accession of the office and dignity to the person, but the true ground is the name, and the office is become part of the body of the law, which should punish the offences, against which it was committed, which doth prove both the necessities of the name, and the necessary relation there is between the name and the law, and it is a necessary deduction that the name *King* is the thing wherein the office and power is placed, and therefore not practiseable by any Statute or act of Parliament, to divide the power and office from the name, and transfer that power without the name; the word *King* hath such essentiall reference to the law, that it never looks to the person, to make that the ground of the essence, but if it had been the name the law was satisfied, and therefore it never examined the right of the person, how he became invested with the power, but *de facto* whether he were or no, and if so whether *de facto* or *de jure*, it hath the same influence upon the peoples right, and the same advantages to the chief governour.

The objections of the government now, and of the government under the Keepers of the Liberties, and the quietnesse under both of them.

1. *Remember the difficulties in making.*

2. *The grounds why the Iudges acted, though some refused.*

3. *That upon debate when inconveniencies were set forth, those grounds another Parliament might change, and the like.*

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4. *To the government, the diſlike of the people, how ſome diſrelish this now ſet up.*

5. *The Laws did proceed farre, when the* Ordinary proceſs *diſobeyed, a good army to help us, the ground and reaſon of the warre againſt the perſon: for the breach of truſt in his departure againſt his firſt promiſe in Parliament, upon the Petition of the Speakers, &c. and was not againſt the office but againſt breach of truſt in that office, by the abſence of the perſon.*

There is alſo another reaſon why the office cannot be annext to another *name*, either by act of Parliament or otherwiſe, for in any other *name* you muſt ſuppoſe the *office*, the *King*, ſo that any other name is but a fiction in reſpect of the right name, and that would be very dangerous, both to the laws and to the propertie, to lay the *baſis* and foundation upon a fiction, which was a reaſon that ſome of the Iudges forbare to act upon the name of *Cuſtos libertatis Angliæ, &c.* and the ſame reaſon upon any other name; I urged alſo that this Petition and advice was matter of right not of grace, which was never denied by any Prince in this Nation, nor can it be, becauſe there is an obligation in all caſes to do *Right*, and this obligation is upon the *Protector* whilſt he takes upon him the chief Magiſtracy.

Colonel Iones, 16. April,

MAy it pleaſe your Highneſſe, I am unwilling to ſpend the time in ſpeaking after thoſe two learned and honourable perſons that ſpake laſt, and therefore ſhall endeavour in what I have to ſay to thoſe doubts you were pleaſed to make when this Committee had

the honour last to attend you, to be as brief as may be. Your Highnesse was pleased then to say, that though the arguments brought to the maintenance of the title *King*, in the Petition presented to you by the Parliament were weighty, yet in your answering them you must not grant them necessarily conclusions, but take them as having much of conveniency and probability of, towards concluding; for if an expedient may be found, they are not then necessary. And you were pleased to tell us that though *Kingship* be not a Title, but an Office interwoven in our laws, yet it is not so *ratione nominis*, but from what it signifies, that being a name of office plainly implying the Supreme Magistrate, and therefore whatever name it be, wherein the Supreme Magistrate resides, the signification will give to the thing, and not to the name, and seeing this Title had a Commencement, and also hath been unfixed, why may not a new one now commence and be now fixed by the legislative authoritie, and thereby be made to run through the law, as well as the Title *King*; from whence may be inferred this Title is not necessary;) but may it please your Highnesse, if it be considered the intention of the Parliament in this their humble addresse to you, (*viz.*) that it is a *Settlement*: it would then be likewise considered, whether a new name will not be found, in this case to make a new office also, and whether then the novelty thereof will not hazard it nor frustrate that great end of settlement, the Antiquitie and tryall of laws, being that which doth beget the greatest reverence and satisfaction of them in the people, and that the change of the name makes it a new office will appear both in respect of his authoritie, who bears the office and in respect of the peoples obligation in matter of obedience to that new officer; for by the ancient

ancient law he cannot claim ſubjection from them, nor can the people thereby claim protection from him, the ſtrength then of the ſettlement, and of their rights and liberties, as farre as they relate to this new Supreme Magiſtracy, will reſt upon a new and untried conſtitution, and this authority upon the ſame foundation, the wiſdome of our Anceſtours, even in leſſer matters when they introduce a new Law, made it for the moſt part a probationer onely; and I may humbly ſay, we have now ſome yeares been making probationaries of new governments, and therefore the Parliament finding the people not yet ſettled with any of them, return to that which by long experience and cuſtome hath been found to ſuit with their mindes, and rights, the people having not the ſame ſatisfaction nor acquieſcence in any new thing which they have in long approved laws and cuſtomes, a new thing being in it ſelf uncertain, not onely whether it will prove good or no, but alſo in this caſe, in reſpect that one main property of the ſettlement being a coordinate power, depends upon it, and will be ſubject to be controverted whether one coordinate is well put up by another, or may not by the like power that ſets it up, be pulled down again, which cannot but leave mens minds as doubtfull of ſettlement as ever, things uncertain and diſputable, naturally carrying unſettlement with them. Time and experience hath grafeed this *Name* and *Office* in the minds of the people, and that (as I ſaid already) begets reverence and ſatisfaction in their minds. Alſo they were the exorbitances of the office (which in great meaſure this petition provides againſt) that was complained of, and not the *Office* nor *Name*, which are founded upon the ancient laws, the altering of either, alters the conſtitution, and layes it upon a foundation leſſe certain,

and easier to be shaken; and therefore to take up the *office* without the *title* will be to take it up with all the objections of Scandall: or otherwise it is said to be liable to, and yet to want the support of the ancient laws it carryes with it, and the advantage of satisfying and settling the mindes of such of the people of these Nations, as by the consideration of novelties, and and what in this case attends it, will otherwise rest doubtfull and unsettled. These are some of the grounds I observed in the debate of the Parliament, to induce them to judge this *title* not onely expedient, but in respect of settlement necessary. Your Highnesse was pleased to object also the dissatisfaction of good men which you judged in things indifferent were to be considered.

They are so, and it hath been so judged by the Parliament, who manifested great tenderness in that kind, and I hope ever will: but in this matter found by the Parliament not to be indifferent, but necessary for the settlement of these Nations, they hope that wherein good people have not already been satisfied, they will endeavour for satisfaction: and it is to be hoped that when the matter of this Petition will be made more publick, they will finde such care and provision made for good men, and of good things, that will certainly give them satisfaction, I think I may safely say, such a positive provision for their liberties and incouragement hath not been found under any former *King*, nor any other form of government, to which your Highnesse hath been pleased your self to give that testimony, so that it is not *Kingship* alone, as formerly the Parliament adviseth your Highnesse unto, but to the office with such a provision made for the good interest; and if then your Highnesse (of whose faithfulnesse to their interest, good people have received such ample testimony) will be pleased to consent to this Petition of

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the Parliament, an authority alwayes of no ſmall eſteem and reverence with the beſt men; I doubt not but when it is done they will chearfully acquieſce, though while it is doing they may have ſcruples for that of providence laying aſide the *title*, I thinking the argument whence will be as cogent againſt the office it ſelf, and againſt government by a ſingle perſon under any title, the acts of Parliament mentioned are as expreſſely againſt the one as the other; and therefore the exerciſe of the Supreme power by a ſingle perſon under any *title*, is as much a contradiction of providence and theſe acts of Parliament, as the exerciſe thereof under the title of a *King*: but certainly the laying aſide of a thing *de facto*, which though indeed it be an act of providence, yet it cannot be conſtrued, that the intendment of that providence is finally to lay it aſide, never to be reaſſumed again: the conſequences of ſuch a poſition are many and may be dangerous, for what by that rule is not to be laid aſide.

I remember here an objection made, that your Highneſſe in another place, which I had almoſt forgotten, which was that, we did enjoy our laws, and that the juſtice was freely adminiſtred under ſeverall changes and titles, as that of the Keepers of the liberty, and the title your Highneſſe now bears. To which I humbly anſwer, that if ſo it may be ſaid, thanks are rather to be given to the perſons into whoſe hands the power fell, then to the conſtitutions. However I crave leave to ſay this, that changes imply not a ſettlement, and ſince providence led as from our old conſtitution, we have in a few years had 4. or 5. changes, and that theſe changes have not been accompanied with more hazards, it is a matter of praiſe to the Lord, and of commendation to the powers we have been under, but if one providence

dence both laid aside *Kingship*, another led it in, & calls upon you to take it up: and it is to me a remarkable thing, that providence hath cast it under such constitutions and laws, as if when we have thrown out the Tyrant that oppressed in our spirituall and civil rights, we can by our ancient laws graft another in, that may be a fit instrument to preserve both; who (as the learned person that spoke last said) may make up as it were but one *King*: this 500. yeares the law not admitting an *Inter Regnum*, from whence I inferre, that as it was not the end of our Warre, as appears by six or seven Declarations of Parliament, one whereof was ordered to be read in all Churches; so our providence led not to lay aside either the *Name* or *Office*, but that Family which oppressed us, then all mens lives and liberties depend on this settlement, it is necessary then to lay it in the strongest foundation that may be.

And as for that of safety, it is not for me to speak much to it, but certainly it is to be hoped, that as a Parliament advise your Highnesse to things honest and lawfull, and by them judged necessary for a good settlement, and therein take care and provide for our Rights as men and Christians, and your Highnesse thereunto, all dangers by Gods blessing upon your Highnesse wisdome, backed with such an Annuity, and an Army under the conduct of so many religious and faithfull persons, so well principled to the obedience of lawfull powers, may be prevented. And therefore I humbly hope God will incline your Highnesse to grant the Petition and advice of the Parliament.

16. April,

16. *April*, *Sir* Richard Onslow.

The Lord Protectors Objections.

Objection, That the Title of *King* is a name of an office, and anie other name which may imply the supreme Magistrate hath the same signification and therefore no necessitie of the name.

Answer, everie office ought to have a name adequate to the said office, and no other name then *King* can be suitable and comprehensive enough to contain in it the common good to all intents and purposes.

It is a Rule, that the Kings of *England* cannot alter the lawes of *England ratione nominis*, but is bound to Govern according to the lawes of *England*, but for anie other name, there is no obligation lies upon it.

That the verie Title is necessarie was declared in the 9. year of *E*: 4. when the great controversie was betwixt *E*: 4. and *H*: 6. that sometimes one was in possession and then another, that it was necessarie the Realme should have a *King* under whom the lawes might be maintained and holden; for everie action done by the *King* in possession was valid and good, for it was his Iurisdiction Royall, so likewise the first of *H*: 7. so 3. the same opinion was held and declared, that a *King de facto* was necessarie, and in all alterations from persons and families. Yet our Ancestors alwayes retained the *Title* and the *Name*.

There is a *prius* & a *primum*, another name may in order and degree be first, that is, before other men, but it was a *King* was *primum*, the first name that had its beginning with our lawes.

The Customes of *England* are the Lawes of *England*, as well as our States laws, the title of *King* & *custome* are two

twins born together, and have had continuance together, and therefore to say *Protector*, of which we know the date, with *Custome* (of which no memorie can speak) is a kind of contradiction to the Originall.

Then there must be a Law introductive, because *Protector* is a new name that our Law doth not yet know, Now to ingraft a young science upon an old stock it will never grow, but there must be an irradication of the old root and a new plantation must be made, and that all the old customes must be put into positive lawes, and that will be a thing consisting of much time & great difficulty.

The title of *King* is so incorporated, and in conjunction with our *Customes*, which doe very much concern the people of England to be upheld, and then there is a rule, *Quæque res in conjunctione pro bono conjunctionis*, that ought to be done which is for the good of the conjunction and benefit thereof, and if it be for the advantage of the single person & the people, it brings me to mind of another rule my old Master *Tully* taught me, *Communis utilitatis derelictio contra naturam est*, it is not naturall to decline that which is for a common benefit and utilitie.

And therefore I shall say but this as to the title, that as the Patriarch *Iacob* joined together in his blessing upon *Iudath* the Law-giver and the Scepter, so the Parliament of the three Nations desires to preserve the title *King* in and upon the *Law*.

2. *Objection*, another argument your Highness was pleased to draw from providence, that had brought you to this place through much darkness, and had seemed to lay this title aside of *King*.

Answer, it becomes all men to acknowledge the acting of the providence and power of God for bringing to pass whatsoever he hath determined in the world, and

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it is the mighty and wise hand of providence which Triumphs over Nations, & Triumphs and treads down all oppositions: Yet your Highness observes, it is not a rule to walk by without the word, the reason, the causes are hidden in the secret Councell of Gods will; you may see in the Revelations, the Book is Sealed up with seven Seals, we may read what is past, because it is written on the out side of the Book, but what is to come we cannot read, and we ought not to limit providence, nor can we bound it with *a no further.*

3. *Objection*, this State hath by providence received severall changes to great ones from the former constitution, that of the Keepers of the Liberties of England and this present Government, under the title of *Protector*, and the first seemed to be the result of 7. years war against the *Title* and the *Family.*

Answer, it must be confessed it proved the event of 7. years war but the reasons of the war did not lead to it, for the war was for *King* and *Parliament*, for the *office.* But against the person against the exorbitancy and irregularities in his Government; but it was providence that took away at that time both the *Office* and the *Family.*

It was also providence that altered from that of a *Republick*, to this of a *Protector*; that act being as much against *Protector* as a *King*, for it was against a *Single Person.*

And may not, by the same series of providence, this Parliament as well set up Kingly Government, as that Parliament took it away, having also the same power they had.

4. *Objection*, Another ground why your Highness would not accept of the *Title* was, the dissatisfaction many persons, who had been instrumentall in carrying on the work, have against that title.

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Answer, in everie change of Government there was and ſtill will be perſons unſatisfied, becauſe men are of mixt intereſts and differing in judgement, upon the change to a Republick, thoſe that conceived the Monarchicall Gowernment beſt were unſatisfied: but all ought to ſubmit and be concluded by the judgement of a Parliament.

Your Highneſs was pleaſed to ſay that neither your ſelf nor thoſe that tendred to you the inſtrument were authors in the firſt change, but it was the long Parliament, ſo that I may conclude, they were not engaged for that Government by King.

It hath been indeed the honour of the Souldiery that in all theſe changes they have ſtill followed providence, and have acquieſced, acting and living in practicall conformity, but I wiſh they would be ſatisfied, for their love ſake to us, and their labours for us. High ſhould his reward be in Heaven, and happie his remembrance on earth, that would be the means of ſuch an accord, but to ſatisfie all men ſo divided as we are would be no leſs then a wonder. I ſhall ſpeak in a parable in the 37. Chap. of *Ezekiel* verſ. 16. the Lord ſaid to the Prophet, *Take two ſticks, write upon one ſtick for Iudah and the children of Iſrael companions, and take the other ſtick and write upon it for Ioſeph the ſtick of Ephraim for all the Houſe of Iſrael his Companions, and join theſe two ſticks in one ſtick, and they ſhall become one in thy hand, theſe are the two Nations of Iſrael and Iudah, two diſtant and differing names, but they ſhall come under one King, and David ſhall be their King*, thus they were united.

5. *Objection*, Juſtice hath been as well adminiſtred and as free from ſolicitations under theſe changes as before.

Anſwer, you were pleaſed to ſay you undertook that charge

charge to preſerve from confuſion, which indeed is the worſt of evill, and the ſame reaſon might prevail with judges, and other Magiſtrates to execute Juſtice, and give to men their rights, which is ſo deſirable to all men and of abſolute neceſſity.

Juſtice may be compared to the water in the ſpring, if kept from his naturall channell will break his way through the bowels of the Earth: nature ſometimes may ſuffer violence, there is a peace in a ceſſation to war, and their is a peace in the regard of the diſtraction may be termed; but an intermitting peace, for your Highneſs is pleaſed to acknowledge that the people call for a ſubſiſtery and crie aloud for ſettlement, from which under favour I may infer, that as yet there is no ſettlement ſo well ſettled as to be accounted perfect and good.

Your Highneſs is pleaſed to declare you had rather take a *Title* from this Parliament, then any title from any other place or without it.

The Parliament of *England* is the Womb of the Commonwealth, and in that Womb there hath been a conception & ſhape, & proportion, & form, & life, and groweth as far as the navell could nouriſh; there hath been alſo a delivery and a name given, there hath been *conceptu conceptus partus & opus*, and it hath been a great work to bring us to this delivery, it is therefore the humble advice of the Parliament that your Highneſs would be pleaſed to make it ſpeak the Engliſh tongue.

April the 16.

Lord Com. Fines.

YOur Highneſs the other day laid down as a ground of your enſuing diſcourſe this poſition that there

there was no neceſſitie of the Name and Title of *King* upon which foundation your Highneſs ſeemed to build the arguments and reaſons of your Highneſs diſſatisfaction, as to that *Name* and *Title* and that in ſuch ſort as the matter is now circumſtantiated and ſtated by your Highneſs own ſelf, that there is a neceſſity either in the affirmative or negative, if it be not neceſſary that the name be aſſumed, it is of neceſſity to be declined, and if no neceſſity to decline it, then there is a neceſſity to aſſume it: for although the nature of the thing be it ſelf ſuch as poſſibly may admit a latitude of argument upon the point of expediency and conveniency, and that we are not ſhut up under an abſolute neceſſity either the one way or the other, yet the Parliament having given their judgement upon it, and their advice to your Highneſs in it, your Highneſs ſeemeth to admit that there lye the kind of neceſſity upon you to aſſume it: if there be not a neceſſity to wave it, for you will not without neceſſity decline the advice of the Parliament having ſaid that you ſhould rather chuſe any name, which they ſhould fixe then any name whatſoever without. Then it holdeth out thus much, that you will not put expediency and conveniency, but onely neceſſity in ballance with their judgement, who are the proper judges of things in that nature, and what is moſt expedient and convenient therein for the three Nations, which they repreſent, & thought a name might otherwiſe be inconvenient, yet accompanied with judgement of the Parliament, it would become more acceptable to your Highneſs, then any other name without, as your Highneſs hath ſaid & admitted, and beſides the grounds of diſſatisfaction held forth by your Highneſs, relating to conſcience, they muſt be ſuch as are grounded upon a neceſſitie in the negative through the reaſons alledged by the

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Committee ſhould not of themſelves conclude, but only in expedience in the Affirmative; yet they are ſo far from concluding a neceſſitie in the Negative, that they doe it by accident in the Affirmative, becauſe there is not onely no neceſſitie of the Negative, but an expediencie in the Affirmative, which notwithſtanding is more then lay upon the Committee to make out, it being ſufficient, as this caſe is, to ſhew that there is not a neceſſitie to decline it, is to conclude a kind of neceſſitie to to take it, and whether or no if the poſition laid down by your Highneſſe were admitted, the reaſons given by your Highneſſe, doe upon ſuppoſition conclude a neceſſitie of declining this Name, is the queſtion in the ſecond place: when firſt poſition hath been conſidered, how far it muſt or need not to be admitted; there is a double neceſſitie in a naturall and a morall neceſſitie: a paternall neceſſitie falleth not under conſideration rules, if it be one reſpect, becauſe their is a kind of impoſſibilitie, at once to enumerate all particular caſes and circumſtances, wherein the chief Magiſtrate ſhall or ſhall not have power or right, which manie hundred of yeares hath done and fitted the Lawes in all particulars to the *Name* and *Title* of *King*, but to the Name of *Protector*, or anie new Name, either all caſes and circumſtances muſt by particular enumeration be applied, which would be the work of an age (as it hath been of manie ages in that Name of a *King*, or it muſt be left at leaſt in what is not enumerated boundleſſe and Lawleſſe, which that it ſhould not be: there is a morall, that is to ſay a politick neceſſitie, or elſe, to ſuit a particular enumeration, there muſt be a generall clauſe, that in all things not particularly ſpecified, they ſhall be defined by the Lawes and Rights belonging to the Name *King*, and then the queſtion will be meerly nominall, and conſequently not be put in ballance with the judgment of

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the Parliament, for that a neceſſity in the Negative cannot ariſe out a meer nominall difference of the thing, & the definition thereof being Identically the very ſame, and there being no difference but onely that of a new Name, which in the judgment of divers wiſe men, may draw after it ſuch a conſequence, as the putting of old Wine into a new Bottle, which may hazard the loſſe of the thing, and of the Lawes, and Liberties of the Nation, which are deſired to be preſerved thereby: as to morall neceſſity, it is either ſo *abſoluta neceſſitate*, or *neceſſitate precepti*, or *neceſſitate medii*: for the firſt neceſſity there are but four things that are neceſſary in that ſence, as God is neceſſarily good, true &c. and as to that neceſſity which is *virtute precepti*, it is ſo either primarily or ſecondarily *in terrentu actus humani*, and of the latter ſort is the matter in queſtion, if at all, neceſſarily *neceſſitate precepti*, for though Magiſtrac/ be an Ordinance of God primarily, yet particular forms of Magiſtracy and Government, and much more the circumſtances of thoſe forms, as Names, Titles, and the like, are firſt Ordinances of men, before they are Ordinances of God; firſt man ſet's his ſtamp upon them, and then God ſet's alſo impreſſe upon them, and therefore though they be but Ordinances of men, yet the Apoſtle ſaith, we are to ſubmit unto them for the Lords ſake, whether to the King as Supream, or to Governours as thoſe that are ſent by him, and what *Peter* calls Ordinances of men, *Paul* calls Ordinances of God, and yet they are to be obeyed not onely for fear, but alſo for Conſcience ſake, ſo that in theſe forms of Government men may do as they will, as in other contracts, wherein it is free for them to contract, or not to contract, or to make their Cove-

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nants this way or another, but when they have made them, they must keep them, for then Gods seal is upon them: now as to the matter in question, it is clear, that the unquestionable stamp of humane Authority, and the Ordinance of man in these Nations, hath accompanied this Office under this Name for many hundred yeares together; and if it was waved and laid aside, as of late yeares, it is now set up again by as good an Authority, and a fuller representative of the three Nations; and though it be onely by Petition to your Highnesse, yet it is in some sort a Petition of Right; for the people of these Nations have an Interest in their Government and Lawes (whereof this was amongst fundamentals) as well as in their Liberties and Lands; and although particular persons may have forfeited their interest in the Government, yet I do not know that the Nations have forfeited their interest therein, but if this point shall seem to be driven too far, yet it is clear, that if this Office under this *Name* and *Title* be most known, and most suitable to the Lawes of these Nations, most agreeable to the desires and dispositions of the people, and most likely to maintain quiet and peace in the Nations, with Iustice and Liberty, which are the great ends of Government, and of all Forms and Names therein, as in the Iudgment of the Parliament it is: Then as it is the duty of the Parliament to advise it, so doth thereby lay and obligation upon your Highnesse to accept it *necessitate medii*, as a necessary *medium* to atain those ends: And whereas your Highnesse is pleased to say this *medium* is not necessary, because the ends may be attained by another *medium*, as appeareth

seth in these two Names and Titles, *Custodes libertatis Angliæ* and *Protector*: besides, the experience in the one, that was but of short continuance, and of the other, that it hath & doth still stand but in a shaking & uncertain condition, and of both that they have attained the end but imperfectly, and through the help of a great deal of force; and though it cannot be denied, but that the end may in some degree be obtained by such other *mediums*, which may serve the turn in case of necessitie, and when no better can be had; yet where such a necessitie is in the case, there doth spring out a kind of morall, or at least a politick end of the contrarie, and of embracing that which is the best *medium*; for in case of necessitie, there might be a Government without any Lawes, and that *Arbitrium boni juris* should serve in stead of all Lawes; and yet where Lawes can be had, none will say that Lawes are not necessary: when a man hath a better Lamb in his Flock, a worse will not serve, but in that case there is a morall necessity, that the best be brought for a sacrifice; when the Parliament (and they suppose the like reason extends also to your Highnesse) are perswaded in their judgments, that this is the best *medium* to preserve the Liberties and the Peace of the Nations, and yet no necessitie appearing unto them so to doe, should make choice of a weaker prop, and that thereupon should ensue inconvenience, and that the band of peace being broken, blood and confusion should return upon the Nation; it must needs also return upon their thoughts, that they had been wanting in their duty, in not providing the best remedy, which possibly might have prevented the mischief which leadeth to the consideration of the second question in this matter, whether admitting your Highnesse position, that there is not a necessity of this Name *King*; the reason held forth by your Highnesse, makes out such a necessi-

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ty, as that you cannot take upon you that *name* though advised thereto by the Parliament, as the best & most reducing to the ends of government, withall granting not absolutely necessary, if there fall not out to be necessity in the case, to the contrary, your Highness was pleased in the first place to mention the dissatisfaction, as to this particular of many Godly men, & such as have grown up all along with you in the carrying on this great cause, as souldiers, which indeed must needs be verie great and tender consideration to your Highness, as it is also to all of us, who reap the fruit of their prayers, and of their hazards, & great & worthie service, and it would be a great happiness, if it might please God that great and good things were carried on with unanimity and harmonie amongst good men: but the felicity hath never yet been granted unto us, but that great matters and changes have been accompanied with great difficulties, with great difference of judgements, even amongst the best men, as our late changes sufficiently testifie. For your Highness knows well when that change was made, whereby this *Name* and *Office* was laid aside, how manie Godly men and your old friends were dissatisfied therewith, and yet those that had then the power did not think that they should therefore forbear to do what then was judged for the good of the Nation. There was the like dissatisfaction on the other side of manie Godly men, when your Highness took upon you the Government under the name of *Protector*, and yet it was not held an unjust obstacle to what was then thought good for the Nation. There is a certain latitude wherein there may be had a respect to friends, when the publick good of the whole Nations is in question, other considerations may not take place, and it is not love to satisfie mens desires to their own hurt, and the hurt of the publick; so it cannot be thought, but that Godly,

and ſober men, when they ſee this *name* ſtamped firſt with the ordinance of man, and after with Gods ordinance,(for ſo it will then be) they will ſubmit thereunto for the Lords ſake, and ſatisfie their minds that they ought ſo to doe, for that other reaſon alledged by your Highneſs, that this *name* hath been blaſted and taken away by the Parliament, it is clear, that the *thing* was as much blaſted as the *name* and the Government by *one perſon*, under what name ſoever, as much and more blaſted then this *name*; but in truth, neither *name* nor *thing* hath been at all blaſted by God; otherwiſe then he blaſted all things and names of this nature. It may be as truly ſaid, that he hath blaſted Parliaments, for they have alſo undergone and felt the like blaſts, but God hath ſo declared his will concerning all particular forms of Government, that they are wholly at the pleaſure and diſpoſition of men to be continued and altered and changed according to the exigency of affairs, and publick good of the people and Nations for which they are created by men: for the Scripture calleth them *humanæ creationis*. Therefore as men blaſteth them, ſo God blaſteth them, and when men ſet them up again, God honoureth them again, and commands they ſhould be honoured; One Parliament thought the perfect ſtate of affairs required the taking away of this *name* and *office*; and this Parliament judgeth, the preſent ſtate of affairs requireth the reſtoring it to the Nations again: as to that point of ſafetie which your Highneſs touched upon, we may beſt anſwer it by drawing a curtain before it as your Highneſs hath given us an example, there are diſſatisfactions on the one ſide, as well as on the other, neither is the conſideration of danger onely on the one ſide and ſome things may be more convenient for your Highneſs: to conceive, then for us to ſpeak

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onely I ſhall remember your Highneſs what the Wiſeman ſaith, *he that obſerveth the wind ſhall never ſow, and he that regardeth the clouds ſhall never reap*: the huſbandman in the way of his calling muſt rule his actions by the ordinance and revealed will of God, without attending unto the uncertain events which may ariſe through the indiſpoſition of the aire, which is in Gods hands and diſpoſition, ſo every man in the way of his calling muſt attend to what is the revealed will of God to guide his reſolutions and actions thereby, and not by the various minds of men, which are in the hands of God: and the Wiſeman alſo ſaith, *he that walketh uprightly, walketh ſurely*, he walketh uprightly that walketh according to Gods revealed will. It is alſo a great note of integrity to ſpeak as a man thinketh, to doe as he ſpeaketh, and to ſute name to things and as your Parliament hath thought to ſuite with this thing: ſo have they offered to your Highneſs with much integrity and without any other reſpect ſaving to your good and liberty of the Nations.

Lord Broghill

April 16.

YOur Highneſs the laſt time this Committee had the honour to wait one you, ſeemed to be of opinion, that it was not neceſſary that you ſhould aſſume the Title of *King* to exerciſe legally the office and duty of ſupreme Magiſtracy of theſe three Nations; becauſe that the Title of *Protector* is by the authority of Parliament made the Title of the

chief Magistrate, would doe as well and answer all ends of Government as fully, as that which now the Parliament does desire and advice your Highness to take upon you: but to effect this, either all the powers and limitations of a *Protector* must be more particularly enumerated, or he must under the name have all the authorities with a *King*, as a *King* has by the Law. Of the first of these then (as those learned Gentlemen that have spoken before have fully proved) whatsoever is not particularly specified, the *Protector* is left to act arbitrarily, or a Parliament must be called to supply everie now discovered defect, his power being derived onelie from that authoritie that now does, or hereafter shall constitute them, which will prove dangerous and inconvenient both to himself and the people, and to set down all authorities and abundances which are requisite, will be a work of so much time and difficulty, if that in the Nation onelie it seems impracticable, in the acting it will be much more found so, if the second, then it will evidentlie appear, if the difficulty is onelie about a name, and it would be a sad thing indeed that anie disagreement should be between your Highness and the Parliament: especiallie when the thing differed in, as the settling of our foundation, and the thing differed upon, is onelie a name, I hope that unhappiness will be so well foreseen as never to runne unto.

Your Highnes was pleased to take notice that if the Title of *Protector* were settled by Parliament, hardlie anie thing could be objected against it, but that it is a Title not so long known to these Nations as that of *King*, which is a grave and weighty objection, since in constituting of Governments, the ablest and most deserving judges are uncapable to see these disadvantages and inconveniencies which time and experience doe

doe render evident, which may be a reason, if not the chief one, why our Ancestours would never alter Kingly Government, though they had often the power to doe it, and were provoked thereunto by exorbitance and evill Government of their Princes, chosing rather to bound that office proportionably to the evils they have deserved in it, then to establish a new Modell of their own, in erecting of which they could not have in some ages, the experience they had of that, and to cast of an office that has been some hundred of years a pruning and fitting for the good of the people, to establish one that has been but newly known, were to think our selves wiser in one day then our Forefathers have been ever since the first erecting of *Kingship*.

It has been an unquestionable principle that the Magistrate is established for the lawes, and not the lawes for the Magistrate: if therefore the Title of *Protector* should be the Title of the supreme Magistrate, we should fit the lawes to him, not him to the lawes; which would be by our practice to contradict our professions, and possibly wound the peoples rights, but in this point there has been so much said, and that so learnedly by these worthie persons, who have spoken before, that to prove the necessitie of your Highness assuming the Title of *King*, and should onely adde a mentioning of those manie reasons that the Parliament of three Nations think it necessarie you should doe it, which is evident, by their inserting it amongst these three things, which they esteem fundamentals as to the settlement: yea, they have placed at the head of all those fundamentals and laid so great stresses on it, that in their humble petition and advice, they declare that if it be not accepted of, the whole shall be esteemed null and void, so that the

higheſt neceſſity impoſed by a Parliament will have the beſt acceptance, your Highneſs was pleaſed to mention, that we had recent experiments what the ſupreme Magiſtracy of the Nation might be well carried into all effects and purpoſes under another name and Title then that of *King*, viz. under the name of *Keepers of the Liberty of England*, and under the name of *Protector*, but I ſhall humbly beſeech your Highneſs to conſider, that becauſe that was not grounded upon the old known lawes, it was of verie ſhort duration: and the ſecond for the ſame reaſon, the Parliament is now petitioning and adviſing your Highneſs to alter, ſo what is brought as are arguments to prove what your Highneſs mentions, poſſibly may rather evince the contrary: beſides Sir it is confeſſion on all hands, that theſe two changes ſprung from neceſſity: therefore were not, neither ought to be of longer continuance then that neceſſity which cauſed them, and this is the great and reall difference between conſtitutions that are eſtabliſhed meerly becauſe neceſſary, and thoſe that are eſtabliſhed meerly, becauſe good: for what is onely of neceſſity is but temporary, as no effects laſts longer then it's cauſe; but what is good in it's own nature, is alwayes good and if by intervening accidents it be a while clouded, yet at length it ſhines and overcometh, and all wiſe men doe deſire to revert unto it. To prove that the firſt of theſe changes, the *Keepers of the Liberty of England*, was onely an act of neceſſity and not of choice, I need but mind your Highneſs of what the Maſter of the Rolls then ſpake of, the Parliament did even now evert; that after the abſolution of *Kingship*, the Parliament were neceſſitated to adviſe with a Civilian of another Nation, what the Hollander had done, what they did,

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they were at a losse what to doe, the providence of God hath so altered the temper of officers between that time and this present, that the change appeared best, because necessary: but the Parliament esteems the change now desired necessary, because best, nor can we possibly better express our thankfulnesse for the opportunity, which now God hath put into our hands, then to employment, to make the best and lastingest settlement; All things are best which are found best upon tryall; but all the changes we have been under of late were upon belief, not experiment, and having had an essay of all, the Parliament have found that above all, *Kingship* is the best, so that by the best judges, and by the best way of judging that form of Government now presented to your Highness, hath the preceeding in the peoples opinion, and therefore is hoped you will have it in yours.

It may possibly be fit for your Highness observation that the best breach which happened amongst those worthy persons, which instrumentally carried on our Common cause, arise from the taking away the *Title* and *office* of *King*, so often declared for and engaged to be maintained by the Parliament, till then we went hand in hand and took sweet councell together, and if the abolishing thereof caused so sad a breach, probably the restoration of it may make it up again.

Your Highness was pleased to say, you assumed the office you now bear with no better hope then to prevent mischief; questionless we may expect better fruits from the supreme Magistracy: and if your Highness, who is everie way so worthie of that office, had no better hopes under the Title *Protector*, we may justly subscribe it not unto your self, but unto the constitution of Government you acted

under, and therefore your Highneſſe now do aſſume the Supreme Magiſtracy according to the laws: we ſhall both hope and believe that you will not onely prevent ill, but do much good, the beſt governour being graſted upon the beſt government. Your Highneſſe expreſſed ſome doubts, that the providence of God hath blaſted the *Kings* office in the duſt, and that by an act of Parliament was laid aſide: but I humbly hope your Highneſſe will pardon me, if I cannot have the like apprehenſion, I cannot believe if that office were blaſted by the hand of God, that the Parliament would adviſe and petition you to take it up. Beſides Sir, the very act which firſt caſt out the Kingly office, did alſo caſt out the Supreme Magiſtracy in any ſingle perſon; yea, by way of election or otherwiſe; therefore I begge your pardon if I cannot think that act of Parliament can be interpreted as a providentiall blaſting of that office, which your Highneſſe thought neceſſary to accept of, and by virtue of which we have for ſome years paſt enjoyed quiet and protection. So that if *Kingſhip* be blaſted, then Supreme *Magiſtracy in a ſingle perſon* is as much, being both equally declared againſt at the ſame time, and in the ſame act of Parliament; and that ſince your Highneſſe by your actings, have evinced you did not believe the *Supreme Magiſtracy in a ſingle perſon* was blaſted by providence, you will permit us to believe that *Kingſhip* is no more blaſted then that the ſame authority and the ſame act having blemiſhed (as farre as it could) both alike; but your Highneſſe is pleaſed to ſay *Kingſhip* is caſt out *de facto*. If the weight of the argument do reſt thereon, your Highneſſe by accepting the Petition and Advice of the Parliament will make your argument as ſtrong for *Kingſhip* as ever it was againſt it, and 'tis hoped your Highneſſe will not doubt that what one Supreme authority did ſuppreſſe,

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another may erect: that seemed necessary then in the judgement of them onely, then they knew not what to do when they had erected Kings, and we shall be in the like perplexity if now you accept not of this: What the long Parliament did after so long a Warre, must be considered rather as result of providence, then the casting out the other. The estate of Parliament must be considered under that notion also, and yet I think there is few that esteem it not as fit to referre it again under due qualifications, as then 'twas esteemed fit not to allow of it under any; if also your Highnesse arguments were carryed on as farre as it might be, I apprehend it might also bring it in question, that the Parliaments were blasted by providence, for whoever allows not the dissolving of the long Parliament to be under that notion, will hardly finde a good reason for its dissolution; but it may be answered, that it may not cast down in reference to some that acted in it, who were suspected to have a designe of perpetuating themselves in that authority, which would have turned what should have been our Physick into our food. To which I humbly answer, had that been so, the people might have had new Writs sent unto them for the election of their representatives, who might have carryed on the publick affairs of the Nation by a new Parliament; but it seems those times would not bear it, and therefore a convention of select persons were called, unchosen by the people, to whom all power was devolv'd, and who had even a right to have perpetuated themselves by calling into themselves from time to time whom they thought fit: so that Parliaments were not for that turn only laid aside, but even by that constitution which did it, were perpetually excluded: by which it is evident that if *Kings* were *de facto* blasted, Parliaments were the like; yea much more, for in the act for abolishing *Kingship*, it

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was treason in those onely who offered to restore it, but by consent in Parliament: but in that assembly there was no such provision for Parliaments ever, as hath been said. By their constitution Parliaments were excluded, and to evidence how much stresse there lies barely upon a legall name, that Assembly to give greater authoritie to their actings, stiled themselves a Parliament, as the onely name the Parliament took notice of, as the Supreme authority of the Nation, which possibly may invite your Highnesse to believe that godly men and wise men think it essentiall to have titles consonant to our laws: and therefore that your Highnesse in the exercise of the Supreme Magistracy will be the rather invited to assume the Title *King*, that being consonant, and that onely being consonant to the law: I think all sober men agree of that government, but for the parricular form thereof, it is left to the wisdome of those which the people chuse to represent them, to set upon such a form as may be most fitted to their *Genius*, and likeliest to prove their good and quiet. If any can prove that *Kingship* by the word of God is unlawfull, or that people have not power to give the Supreme Magistrate what name they think best, I should be then silent; but since that power is unquestionable in the Representative of the people, and that they have desired your Highnesse to govern them by the Title of *King*, and since also nothing can be objected against it, and both reason & custome pleads for it, we earnestly hope you will not think fit to deny the people that which is but their Right, & I believe it was not yet denied by any Supreme Magistrate to any people: to which may be added, that if the *Kingship* has been cast out by many providences, your Highnesse accepting it will shew, that it is restored at least by as many more as have happened in reference thereunto, for its absolution to its restitution.

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Your Highneſſe did further object, that ſome good men would be offended at your acceptance of that Title. I confeſſe it is very conſiderable, and I think every judiciall perſon of the Houſe would be very cautious to give men under that character a juſt offence, but your Highneſſe will be pleaſed to permit me to minde you of the character you gave of good men in your laſt ſpeech; they are ſuch you ſaid as give obedience to Goſpel Ordinances, which requires obedience to authorities, not for fear, but for conſcience ſake, That you reckon nothing of godlineſſe without the circle, and that any principle which oppoſeth thus was diabolicall, and ſprung from the depth of Satans wickedneſſe. You were pleaſed further to ſay, that though ſome good men ſcrupled at that name the Parliament thought fit to aſſume, yet their doing ſo was no part of their goodneſſe: by all which it will be evident that your acceptance thereof cannot offend good men, but by their eſteeming their obedience to a Goſpel-ordinance an offence, which I hope no good men will or can do. I ſhall alſo humbly beſeech your Highneſſe to conſider, that if on the one ſide the acceptance of the Title may offend ſome good men, ſo on the other ſide the declining of it will give offence to the Parliament, where all good men are legally and at once onely repreſented. The caſe of *David* when his child was ſick may poſſibly parallel the caſe of ſuch good men as are herein unſatisfied; while as the child was ſick he was very earneſt with the Lord for the reſtoring of it to health, but God was not pleaſed ſo to do, and the child died, his ſervants being of another principle then himſelf, thus reaſoned, if his trouble and grief were ſo great, while yet the child was not dead,

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what will it be now it is dead; but *David* reasoned thus, while there was hope, I wrestled with God, but since his will is declared I chearfully submit to it. I hope, as scrupulous good mens cases in the particular of *Kingship*, is a parable in the History, so it will likewise prove in the event. Your Highnesse was further pleased to mention some considerations in reference to safety, to which I humbly answer, the things that are offered to you are just in themselves in reference to Civils and Spirituals, and so acknowledged by you: that authority that tenders them is the Supreme legall authority of three great Nations. You have a faithfull and a good army, and we have you at the head of them, what shall we then fear; To which I shall onely adde, that safety hath been often in danger by the Kings and Parliaments disagreeing, but this is the first time, (if it be in danger) that ever it was by their agreement; to which I may further adde, that whatever evil may arise from your agreement with your Parliament, it will befall us in the way of our duty, which is an inward comfort to ballance any outward evil; But if any evil happens, by your not closing with your Parliament, we shall undergo the outward harm, and be denied the inward support. Your Highnesse was pleased to say, you had rather have any name that is not given by them. Permit me therefore now to say, that to all other arguments we have one irresutable, and that is your own ingagement, for the Parliament doth desire and advise you to accept the name of *King*, hitherto we have pleaded but upon the accompt of your engagement, and it is humbly hoped your Highnesse, who hath so exactly observed your word to your worst enemies, will not break it unto your best friends, the Parliament.

Lord

Lord Whitlock 16 April.

SIr, I have very little to trouble your Highneſſe with, ſo much hath been already ſpoken, and ſo well, that it will be hard for me or any other to undertake to adde to it, onely the duty of my employment, and ſomething due to your Highneſſe, occaſions me to ſpeak a few words to acknowledge with very humble thanks, the honour and right which you have done this Committee, by the clear and free diſcourſes and conferences which they have had with your Highneſſe, and for your frequent oppreſſions and teſtimonies, of affection and reſpect to the Parliament, whoſe ſence in this I may preſume to ſpeak, that never any perſons met their Supream Magiſtrate with more love, duty and honour, then the Parliament have met your Highneſſe with, in their preſent addreſſes; which argument of love deſerves the eſteem and force, which I doubt not but your Highneſſe will put upon it. I am fearfull to be too tedious at any time, eſpecially at ſo late an hour, and therefore ſhall ſpeak but ſhort, to ſome things which I remember not to have been mentioned. Your Highneſſe was pleaſed at the laſt meeting, to ſay, that the originall inſtitution of the Title *King*, was by common conſent, and that the ſame common conſent might inſtitute any other *Title*, and make it as effectuall as that of *King*: this muſt be acknowledged, but withall you may be pleaſed to obſerve, that the Title of *King* is not onely by an originall common conſent, but that conſent alſo approved & confirmed, & the Law fitted thereunto, and that fitted to the Lawes, by the experience and induſtry of many ages, and many hundreds of yeares together; whereas any other *Title* will be onely by preſent common conſent, without that experience

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and approbation; for that experience which your Highneſſe mentioned to have been of other Titles, and the due adminiſtration of Iuſtice under them, this experience is farre ſhort of the other, and for the courſe of Iuſtice, we have cauſe to thank that care which plac'd ſo good Iudges and Officers over us; yet give me leave to ſay, that in private cauſes between Party and Party and in publick matters, in nominall cauſes, it was not eaſie to find juſtice to be done by ſome Iurors: and many queſtions have riſen upon the occaſion of thoſe new titles, concerning that tender point of good mens ſatisfaction: I think it requires a very great regard from us, and I doubt not but thoſe good people will be fully ſatisfied, if they conſider the covenants, promiſes, and precepts, which in the Scriptures are annext to the name of *King*; and although ſome have alledged, that they belong to any chief Magiſtrate as well as to *King*: yet no man did ever read the Original word tranſlated otherwiſe then *King*, neither do I find the preſent Title once mentioned in the holy Text; if the preſent authority be a lawfull authority, which I hope none of us will deny, ſurely thoſe good men, who are ſo well principled in godlineſſe, will not forget that precept of ſubmiſſion to authority, and to be ſatisfied with that which lawfull authority ſhall ordain. Their Rights and Liberties are the ſame with ours, and the Parliament cannot adviſe any thing for the preſervation of the peoples Rights, but theſe good men are included, which I hope will be no diſſatisfaction to them in all the changes which we have ſeen: there hath been a diſſatisfaction to ſome, yet ſtill the bleſſing of God hath gone along through all theſe changes, with thoſe who carried on his intereſt, and the cauſe being the ſame, the ſame mercies have been continued, and I doubt not but if the intended

tended change, or rather reſtitution be made, as I hope it will, I doubt not but the ſame God will continue his bleſſings to that good old cauſe, wherein we are engaged; and that good men receive ſatisfaction by it. Your Highneſſe hath been told that the Title of *King* is upon the foundation of law, and that a new Title muſt have a conſtitution to make the laws relate unto it, and that unto the laws; I ſhall onely adde this, that a Title by relation is not ſo certain and ſafe, as a Title upon the old foundation of the law, and that a Title upon a preſent ſingle conſtitution, as any new Title muſt be, cannot be ſo firm, as a Title both upon the preſent conſtitution and upon the old foundation of the law likewiſe, which the Title of *King* will be; if any inconvenience ſhould enſue upon your acceptance of this Title which the Parliament adviſeth, your Highneſſe ſatisfaction will be, that they did adviſe it.

On the contrary part, if inconvenience ſhould ariſe upon your Highneſſe refuſall of this Title which the Parliament hath adviſed, your burden will be the greater. And therefore whatſoever may fall out will be better anſwered by your Highneſſe complying with your Parliament, then otherwiſe. This queſtion is not altogether new, ſome inſtances have been given of the like, to which I ſhall adde two or three) the *Titles* of the Kings of *England*, in the Realme of *Ireland*, was Lord of *Ireland*. And the Parliament in the 33. yeare of *Hen.* 8. reciting that inconveniences did ariſe there by reaſon of that Title, did enact that *Hen.* 8. ſhould aſſume the *Stile and Title of King of Ireland*, which in the Iudgement of this Parliament was preferred before the other. In the State of *Rome*, new Titles proved fatall to their liberties.

Their case was not much unlike ours, they were wearied with a civill war, and coming to a settlement, *Cuncta discordiis civilibus fessa nomine principis, sub imperium accepit*, some would not admit the Title *Rex* to be used, but were contented to give the titles of *Cæsar, perpetuus Dictator, Princeps, Senatus, Imperator. Non sum Rex sed Cæsar*, came at last to this, *Voluntas Cæsaris pro lege habebatur*, the Northern people were more happy amongst themselves; a private Gentleman of a noble family took up arms with his Countrymen against a Tyrant, and by the blessing of God rescued their native liberties, & rights of their Country from the oppression of that Tyrant. This Gentleman had the Title of *Marshall* given unto him, which continued for some years. Afterward their Parliament, judging it best to resume the old Title, elected this Gentleman to be their *King*, and with him was brought in the liberty of Protestant religion, and the establishment of the civill rights of that people, which have continued in a prosperous condition ever since unto this day. Sir I shall make no other application but in my prayers to God to direct your Highness and the Parliament (as I hope he will) to doe that which will be most for his honour and the good of his people.

The Lord Protectors Speech

April 26. 1657.

I Have as well as I could considered the Arguments used by you the other day, to inforce the conclusion that referres to the name, and title that was the subject matter of the debates, and conferences that have been between us; I shall not now spend your time, nor my own much in repeating those Arguments, and in giving an-

anſwers to them, although (indeed) I think they are but the ſame that they were formerly, onely there were ſome additionall inforcements of thoſe arguments by new inſtances, I think truely after the rate of Debate, I may ſpend your time, which I know is very precious, and unleſſe I were a ſatisfied perſon: the time would ſpinne out and be very unprofitably ſpent, ſo it would; I onely muſt ſay a word or two to that, that I think was new. What comes from the Parliament in the exerciſe of the legiſlative power, which this is, I underſtand it to be an exerciſe of the legiſlative power, and the laws were alwayes formerly paſt this way, and that of Bills was of a newer date; I underſtand that, I ſay, but it is ſaid that was, is done by the Parliament now, and ſimply hangs upon their legiſlative, ſeemes to be a thing that is *ex dono*, not *de jure*, not a thing that is of ſo good weight, and ſo ſtrong, as what referres from them to the law that is already in being. I confeſſe there is ſome argument in that that is there, but if the ſtrength will be as good without it, though it comes as a gift from you, I mean as a thing that you provide for them, or elſe it will never come at them, ſo in a ſence it comes from you, it is that, that they otherwiſe come by; therefore in a ſence it is *ex dono*, for that helps a man to what he cannot otherwiſe come by, he doth an act that is very near a gift, and you helping them to it, it is in a kind a gift to them; otherwiſe they could not have it, but if you do it ſimply by your legiſlative power, the queſtion is not, what makes this more firm, whether the manner of the ſettling of it, or the manner of your doing of it, its alwayes as great a labour; but yet the queſtion lies in the acception of them, who are concerned to yield obedience and accept this, and therefore if a thing that hath for its root and foundation but your legiſlative

in an act of yours, if I may put a but to it, I do not do so, for I say it is as good a foundation, as that other is, and if it be as well accepted, and that the other be lesse then truely it is, I should think the better and then all that I say that is founded upon the law: I say all those arguments that are founded in the law are for it, because it hath been said it doth agree with the law, the law knows the office, the law knows the people knows it; and the people are likelier to receive satisfaction that way: those have been arguments that have been already, and truely I know nothing that I have to adde to them, and therefore I say also those arguments may stand as we found them, and left them already; onely this I think truely, as it hath been said to me, I am a a person that have done that that never any that were actually King of *England* refused: the advice of the Parliament I confesse that runnes to all, and that may be accounted a very great fault in me, and may arise up in Iudgement against me another time, if my case be not different from any mans that was in the chief command, and government of these Nations that ever was before, & truely I think it is they that have been in, and owned to be in the right of the law, as inheritours coming to it by birthright, or otherwise by the authority of Parliament, who yet have had some previous pretence of Title, or claim to it; I think (under favour) I deserve lesse blame then another doth, if I cannot so well comply with the Title, with the desires of the Parliament in it, as others do, for they that are in, would take it for an injury to be out it; truely these arguments are very strong to them, why they should not refuse that, that is tendred to them by the Parliament: but I have dealt plainly with you, and I have not complemented with you, I have not desired,

fired, I have no Title to the Government of these Nations, but what was taken up in a case of necessity, and temporary, to supply the present immergency, without which we must needs, I say we had been all after the rate of the printed book, and after the rate of those men, that have been taken, going into arms, if it had not been taken; it was as visible to me as the day, if I had not undertaken it, and so it being put upon me, I being then Generall, as I was Generall by act of Parliament, being upon me to take power in my hand, after the assembly of men that was called together had been dissolved. Really the thing would have issued it self in this Book, for as I am informed the Book knows an Authour; it was a leading principall Person in that Assembly, when now I say, I speak in the plainnesse and simplicity of my heart, as before Almighty God, I did out of necessity undertake that, that no man I think would have undertaken but my self, it hath pleased God that I have been instrumentall to keep the peace of the Nation to this day, and to keep it under a Title that some sayes signifies but a keeping it to anothers use, to a better use, that may improve it to a better use; and this I may say, I have not desired the continuance of my power or place, either under one Title or other, that have I not I say it, if the wisdome of the Parliament, could find where to place things so as they might save this Nation, and the interests of it; the interest of the people of God in the first place, of those godly honest men, for such a Character I reckon them by, and live in the fear of God and desire to hold forth the excellency and Christian course in their life and conversation, I reckon that proceeds from faith, and looking to the duties towards Christians, and

to the humanity to men as men, and to ſuch liberties and intereſts, as the people of this Nation are of, and look upon that as a ſtanding truth of the Goſpel, and who lives up to that, according to that, is a godly man in my apprehenſion; and therefore, I ſay, if the wiſdome of this Parliament, I ſpeak not this vainly nor like a fool, but as to God; and if the wiſdome of this Parliament, ſhould have found a way to ſettle the intereſts of this Nation, upon the foundations of Iuſtice and truth, and liberty, to the people of God, and concernments of men as Engliſh men, I would have layn at their feet, or any bodies feet elſe, that this might have runne in ſuch a currant; and therefore I ſay I have no pretentions to things for my ſelf, or to ask this or that, or to avoid this or that; I know the cenſures of the world may quickly paſſe upon me, but I thank God I know not where to lay the weight that is laid upon me; I mean the weight of reproach and contempt and ſcorn, that hath been caſt upon me, I have not offered you any name in competition with *Kingſhip*. I know the evil ſpirits of men may eaſily obtrude upon a man, that he would have a name that the law knows not, and that is boundleſſe, and is that under which a man exerciſes more arbitrarineſſe; but I know there is nothing in that argument, and if it were in your thoughts to do any of that kind, I think whatſoever it was, it would bound it, and limit it ſufficiently: I wiſh it were come to that, that no favour ſhould be ſhewed to me, but that the good of theſe Nations might be conſulted, as I am confident they will be by you in whatſoever you do; but I may ſay this in an anſwer to that, that doth a little pinch upon me, and the more when I am told it is my duty. I think it can be no mans duty, nor obligation, but between God and himſelfe if he be conſcious of his own infirmities, diſabilities, and weak-

weakneſſes; and that he is not able perhaps to encounter with, (although he may have a little faith too, for a little exerciſe) I ſay I do not know which way it can be imputed to me for a fault, or laid upon me as a duty, except I meant to gripe at the government of the Nations without a legall conſent, which I ſay I have done in times paſt, upon principles of neceſſity, and I promiſe, I ſhall think whatever is done without authority of Parliament, in order to ſettlement, will neither be very honeſt, nor yet that that I underſtand. I think we have fought for the Liberties of the Nation, as well as for other Intereſts: you will pardon me, that I ſpeak theſe things in ſuch a way as this is, I may be born withall, becauſe I have not truely well born the exerciſe that hath been upon me now theſe three or four dayes, I have not I ſay; I have told you my thoughts, and have laid them before you, you have been pleaſed to give me your grounds, and I have told you mine; and truely I do purpoſely refuſe to mention thoſe arguments were uſed when you were laſt here, but rather tell you, what ſince I tell you lies upon my heart out of the abundance of difficulty, and trouble that lies upon me, and therefore you having urged me, I mean offered reaſons to me and urged them with ſuch grounds as did occurre to you, and having told you the laſt time I met you, that the ſatisfaction of them did not reach to me, ſo as wholly to convince my judgement of what was my duty: I have thought rather to anſwer you with telling you my grief, and the trouble I am under; and truely, my intentions and purpoſes they are honeſt to the Nation, and ſhall be by the grace of God, and I cannot tell how upon colaterall pretences

to cut towards things that will be destructive to the liberties of this Nation: any man may give me leave to die, and every body may give me leave to be as a dead man, when God takes away the spirit, and life, and activity that is necessary for the carrying on such a work; and therefore I do leave the former Debates as they were, and we had them, letting you know that I have looked a little upon the paper, the Instrument, I would say in the other parts of it, and considering that there are very many particulars in the instrument, some of the generall, of reference, others specified, and all of weight, (let the Title be what it will be) of weight to the concernment of the Nations. I think I may desire that those may be such as what they be applied to, either one thing or another, they might be such as the people have no cause, as I am confident your care and faithfulnesse needs neither a spurre, nor any admonition to that: I say (reading in your order, by order of Parliament for the Committee) that there are divers particulars that are, that if I do make any scruple of them, I should have the freedome with this Committee to cast my doubts, the truth of it is, I have a paper here in my hand, that doth contain divers things, with relation to the instrument, that I hope have a publick aspect with them, therefore I cannot presume but they will be very welcome to you, therefore I shall desire that you will read them. I should desire if it please you, that liberty (which I submit to your judgement, whether you think I have it or no) that I might tender these few things, and some others that I have in preparation, and truely I shall reduce them to as much brevity as I can; they are to large here, and

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if it pleaſe you to morrow in the afternoon at three of the clock I may meet you again, and I hope we ſhall come to know one anothers minds, and ſhall agree to that; that ſhall be to the glory of God, and the good of theſe Nations.

The Lord Protector, April 21. 1657.

My Lord,

I Think you may well remember what the iſſue was of the laſt conference I had with you, and what the Stick was then, I confeſſe I took occaſion from the order of Parliament, in which they gave you power to ſpeak with me, about theſe things that were in the body of that inſtrument & deſire, which you have been pleaſed to ſpeak with me; but that I might conferre with you about thoſe particulars, and might receive ſatisfaction from you as to them, whether a good iſſue will be to all theſe affairs or no, is onely in the hands of God, that's a great ſecret, and ſecrets belong to God, and things revealed to us, and ſuch things are the ſubject matter of this inſtrument of yours, and are as farre as they may, have relation to me, that you and I may conſider, what may be for publick good, that ſo they may receive ſuch an impreſſion as can humanely be given to them. I ſhould be well underſtood, and that I ſay the former debates and conferences have been upon the Title, and that reſts as it did, ſeeing that as I ſaid before, your order of Commitment, doth as well reach to the particulars contained in the inſtrument, as to that of the *Title*, I did offer to you that I ſhould deſire to ſpeak with you about them alſo, that ſo we may come to an under-

ſtanding one with another, not what the thing is in parts, but what it is in the whole conduceable to that end, that we all ought to aim at, which is a generall ſettlement upon good foundations; as truely, as I have often ſaid even to the Parliament it ſelf, when they had the honour to me, to meet me in the Banqueting-houſe, ſo I muſt ſay to you, that are a Committee, a very conſiderable repreſentation of them, that I am hugely taken with the word ſettlement, with the thing and with the notion of it, I think he is not worthy to live in *England* that is not, no, I will do my part ſo farre as I am able, to expell that man out of the Nation, that doth not of that in the Generall to come to a ſettlement, becauſe indeed it is the great miſery and unhappineſſe of a Nation to be without it; and it is like a houſe, and ſo much worſe then a houſe divided againſt it ſelf, it cannot ſtand without ſettlement; and therefore I hope we are all ſo farre at a good point, and the ſpirit of the Nation, I hope in the generality of it, is ſo farre at a good point, we are all contending for a ſettlement, that's ſure; but the queſtion is *de modo*, and of thoſe things that will make it a good one if it were poſſible: that's no fault to aim at perfection in ſettlement, truely I have ſaid, and I ſay it again, that I think that that tends to the making of the Nation, to enjoy the things we have declared for, and I would come upon that iſſue with all men or any man; the things we have declared, that have been the ground of our quarrelling and fighting all along, is that will accompliſh the generall work; ſettlement is the generall work, now that which will give the Nation to enjoy their civil and Religious liberties, that will conſerve the liberty of every man, and not to rob any man of what is juſtly his; I think thoſe two things make up ſettlement;

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I am ſure they acquit us before God and man, who have endeavoured as we have done, through ſome ſtreamings of bloud to attain that end, if I may tell you my experiences in this buſineſs, and offend no good man that loves the publick before that which is perſonall, truly I ſhall a little ſhortly recapitulate to you what my obſervations, and endeavours and intereſt hath been to this end, and I hope no man that hath been interreſted in tranſactions all a long, will blame me if I ſpeak a little plainly, and he ſhall have no cauſe to blame me, becauſe I will take my ſelf into the number of culpable perſons, if there be any ſuch, though perhaps apt enough out of the ſelf love I have, to be willing to be innocent, where I am ſo, and yet to be as willing to take my reproach, if anie bodie will lay it upon me where I am culpable; & truly I have through the providence of God, endeavoured to diſcharge a poor dutie, having had as I conceive a clear call to the ſtation I have acted in all theſe affairs, and I believe verie manie are ſufficiently ſatisfied in that, I ſhall not go about to ſay anie thing to clear it to you, but muſt exerciſe my ſelf in a little ſhort Chronology to come; to that I ſay is reallie all our buſineſs at this time, and the buſineſs of this Nation to come upon clear grounds; and to conſider the providence of God, how they have led us hither unto. After it pleaſed God to put an end to the war of this Nation, a finall end which was done at *Worſter* in the determination and deceſſion that was there by the hand of God, for other war we have had none, that perhaps deſerves the name of war, ſince that time, which is now ſix years in September, I came up to the Parliament that then was, and trulie I found the Parliament, as I thought verie diſpoſed, to put a good iſſue to all thoſe tranſactions that had been in the Nation, and I rejoiced at it, and thought I had not been well skilled in Parliamen-

mentary affairs, having been near ten years in the field, yet in my poor measure my desires did tend to some issue, believing verily that all the bloud that had been shed, and all that distemper that God had suffered to be amongst us, and in some sence God hath raised amongst us, that surely fighting was not the end, but the means that had an end, and was in order to somewhat, trulie it was then, I thought settlement, that is that men might come to some consistancies, and to that end I did endeavour to adde my mite, which was no more, then the interests of anie one Member that was there, after I was returned again to that capacity, and I did, I shall tell you no fable, but the things that diverse persons here can tell, whether I say true or no: I did endeavour it, I would make the best interpretation of this, but yet this is truth, and nothing of discovery on my part, but that which everie bodie knows to be true, that the Parliament having done these memorable things, that they had done things of honour, and things of necessitie, things that if at this day you have anie judgement, that there lyeth a possibilitie upon you to doe anie good, to bring this Nation to anie foot of settlement, I may say you are all along beholding to them in a good measure, but yet trulie as men that contend for publick interest are not like to have the applause of all men, nor justification from all hands; so it was with them, and trulie when they had made preparation that might lead to the issuing in some good for the settlement of these Nations in point of libertie and freedome, from Tyrannie and oppression, from the hazard of our religion, to throw it away upon me that designed by innovations to introduce Poperie, and by complying with some Nations introduce arbitrarines upon a civill account, why they had more enemies then friends, they had so all along, and this made

them

them carefull out of principals of nature, that doe ſometimes ſuggeſt beſt, and upon the moſt unde-niable grounds, they did think that it was not fit for them preſentlie to goe and throw themſelves, and all this cauſe into hands that perhaps had no heart nor principle with them to accompliſh the end that they aimed at; I ſay perhaps through infirmity, they did deſire to have continued themſelves and to have perpetuated themſelves upon that act which was per-haps juſtlie enough obtained, and neceſſarily enough obtained, when they did get it from the *King*, though truelie it was good in the firſt obtaining of it, yet it was by moſt men, who had ventured their lives in this cauſe, judged not fit to be perpetuated, but rather a thing that was to have an end, when it had finiſhed it's courſe, which was certainlie the true way of it, in the ſubſerviencie to the bringing in, that which might be a good and honeſt ſettle-ment to the Nation, I muſt ſay to you that I found them verie willing to perpetuate themſelves, and trulie this is not a thing of reflection upon all, for perhaps ſome were not ſo, I can ſay ſo of ſome of them, the ſober men that I had converſe with, they would not have, but the major part I think did over rule, in that they would have continued; this is true that I ſay to you, I was intreated to it, and adviſed to it, and was by this *medium* to have ac-compliſht it, that is, to have ſent into the Country to have reinforced their number, and by new ele-ctions to have filled them up, and this excuſe it had, it would not be againſt the libertie of the people, nor againſt the ſucceſſion of men to come into rule and Go-vernment, becauſe as men dyed out of the houſe ſo they ſhould be ſupplyed, and this was the beſt an-ſwer could be given to that objection that was then

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made, that the beſt way to govern, is to have men ſucceſſive, and in ſuch great bodies as Parliaments, to have men to learn to know, how to obey as well as to govern, & trulie the beſt expediment that we had then was, that I tell you, the truth of it is, this did not ſatisfie a companie of poor men, that had thought they had returned their lives, and had ſome thoughts, that they had a little intereſt to enquire after theſe things, and the rather becauſe reallie they were invited out, upon principles of honeſtie, conſcience and religion, for ſpirituall liberties, as manie as would come, where the cauſe was a little doubtfull, there was a declaration that was verie inviting, and men did come in upon that invitation, & did thereby think themſelves not to be mercenary men, but men that had wives and children in the Nation, and therefore might a little look after a ſatisfaction in what would be the iſſue of the buſineſs, and when this thing was thus preſt, and it may be over preſt, that a period might be put, and that, that might be aſſertained, and a time fixt, why trulie, then the extremitie ran another way, this is verie true that I tell you, though it ſhame me, I doe not ſay it ſhames all that were of the Houſe, for I know all were not of that mind, why truelie when this was urged, then another extremitie; what was that? why trulie then it was ſeeing a Parliament might not be perpetuall, the Parliament might alwaies be ſitting, and that end was, there a bill framed, that Parliaments might be alwaies be ſitting, that as ſoon as one Parliament went out of their place, another might leap in, and when we ſaw this, trulie we thought we did but make a change in pretence, and did not remedie the thing, and then upon that was purſued with that great heat, I dare ſay there was more progreſs in it in a month, then was with the like buſineſs in four, to haſten it to an iſſue, that ſuch a Parliament might be brought in, and would

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bring the ſtate of the Nation into a continuall ſitting of Parliaments: we did think, who are plain men, and I think it ſtill, that that hath been according to the fooliſh proverb, out of the frying pan into the fire, for looking at the Government, they would then have, it was Commonwealths Government, why? we ſhould have had fine work then, we ſhould have had a Counſell of State, and a Parliament of 400. men, executing arbitrary Government without intermiſſion ſaving of one company, one Parliament ſtepping into the ſeat of another, while they left them warm, the ſame day that one left, the other was to leap in, truly I did think, and I doe think, however ſome are very much enamoured with that kind of Government, why it was no more but this, that Committees of Parliament ſhould take upon them, and be in ſtead of the Courts of Weſtminſter, perhaps ſome will think there had been no hurt in that arbitraryneſs in Committees, where a man can neither come to prove nor defend, nor to know his judges, becauſe there are one ſort of men that judge him to day, and another ſort of men to morrow, this ſhould have been the Law of *England*, and this ſhould have been the way of judging this Nation, and truly I thought that, that was an ill way of judging, for I may ſay to you with truth to that after it pleaſed God your poor Army thoſe poor contemptable men came up hither, it was ſo, an outcry here in this place to ſee a cauſe here, determined and judged, and Committees erected to fetch men from the extreameſt parts of the Nation to *London* to attend Committees to determine all things, and without anie manner of ſatisfaction, whether a man travell never ſo right, or wrong he muſt come, and he muſt go back again as wiſe as he came, this truly was the caſe and our condition, and truly I muſt needs ſay, take all in that was in the practices, I am ſorry to tell the ſtory of it, though there was

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indeed some necessity of the business, a necessity of some Committees to look to indemnity, but no necessity of Committees instead of Courts of Justice, but it was so, & this was the case of the people of *England* at that time: & that the Parliament assuming to it self the authoritie of the three Estates that were before, it was so assuming that authority, & if any man would have come and said what are the rules you judge by, why we have none but we are supreme in legislature, & in judicature, this was the state of the case, & I thought, & we thought, & I think so still, that this was a pittyfull remedie, and it will be so while & whensoever a legislature is perpetually exercised, when the legislative, & the executive powers are alwaies the same, & truly I think the legislature, would be almost as well in the four Courts of Westminster-Hall, and if they could make lawes and judges too, you would have excellent lawes, and the lawyers would be able to give excellent councell, and so it was then: this was our condition without scruple and doubt, and I shall say no more to it, but truly it was offered then trulie, and honestlie, and desire, and begge that we might have a settlement, and that now is here, that is proposed a settlement: it was desired then, it was offered & desired that the Parliament would be pleased either of their own number, or any else to chuse a certain number of men to settle the Nation, this is unsettlement, this is confusion: for give me leave, if any body now have the face to say, and I would dye upon this, if anie man in *England* have the impudence or the face to say, that the exceptions of the Parliament was the fear of their hasty throwing of the liberties of the people of God, and the Nation into a bare representative of the people, which was then the business we opposed, if any man have the face to say it now, that did then, or I will say more, ought then to judge it had been a confounding of the

whole

whole cauſe, that we had fought for, which was, I would look upon that mans face, I would be glad to ſee ſuch a man, I doe not ſay there is any ſuch here, but if anie ſuch ſhould come to me, ſee if I would not look upon him and tell him he is an hypocrite. I dare ſay it, and I dare to dye for it, knowing the ſpirit that hath been in ſome men to me, they come and tell me they doe not like my being *Protector*. Why doe you not, why? becauſe you will exerciſe arbitrary Government, why what would you have me to doe, pray turn Gentlemen all again, and we will like you exceeding well, I was a child in it's ſwadlings clouts I cannot tranſgreſſe by the Government, I can doe no thing but in ordination with the counſell, they feared arbitrary Government by me upon that account; but if returned to be Generall, then they were not affraid of Arbitrary Government: ſuch as theſe, are ſuch hipocriſies as theſe are, ſhould they enter into the heart of anie man that hath anie truth or honeſty in him, and trulie that is our caſe, and finding our caſe to be thus, we did preſs the Parliament as I told you, that they would be pleaſed to ſelect ſome worthy perſons, that had loved this cauſe & the Liberties of *England*, and the intereſt of it; and we told them, we could acquieſs & lye at their feet, but to be thrown into Parliaments, that ſhould ſit perpetually, though but for three years they had the experience of.

The experience of which many remain to this day to give ſatisfaction to honeſt and ſober men, why trulie we thought it might ſatisfie, but it did not, and thereupon we did think that it was the greateſt of dangers, to be overwhelmed and brought under a ſlavery by our own conſent, and iniquity to become a law: and there was our ground we acted upon at that time, and trulie they had perfected the bill for perpetuating of Parliaments to the laſt clauſe, and were reſolved to

paſſe

passe it as a bill in paper, rather then comply with any expedient, if your own experience adde any thing to you in this, in this point, whether or no in cases civill and criminall, if a Parliament should assume an absolute power, without any controule, to determine the interests of men in property & liberty, whether or no this be desirable in a Nation: if you have any sence, as I believe you have, you have more then I have. I believe you will take it for a mercy that, that did not befall *England* at that time, and that's all I will say of it, truly I will now come and tell you a storie of my own weaknes and folly, and yet it was done in my simplicitie, I dare a vow it was, and though some of my companions and truly this is a storie that would not be recorded a storie, that would not be told, but when good use may be made of it, I say it was thought then, that men of our judgement, that had fought in the wars, and were all of a piece upon that account, why surely these men will hit it, and them men will do it to the purpose whatever can be desired, trulie we did think, and I did think so, the more to blame of, and such a company of men were chose and did proceed in action, and truly this was the naked truth, that the issue was not answerable to the simplicitie and honestie of the designe, what the issue of that meeting would have been, and was feared, upon which the sober men of that meeting did withdraw, and came and returned my power as far as they could, they did actually the greater part of them into my own hands, professing and believing that the issue of that meeting would have been the subversion of your lawes, and of all the liberties of this Nation, the destruction of the Ministers of this Nation. In a word, the confusion of all things and instead of order, to set up the judiciall law of *Moses*, in abrogation of all our administrations, to have been administred the

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Judiciall Law of *Moses*, *pro hic & nunc*, according to the wisdome of anie man that would have interpreted the Text, this way or that way, and if you doe not believe that they were sent home by the major part, who were judicious and sober and learned, the worst upon this account and with my consent also *à parte post*. You will believe nothing, for the persons that lead in the meeting where Mr. *Peake* and his meeting in Blackfryers, Major Generall *Harrison*, and those that associated with him at one Mr. *Squibbs* House, and there were all the resolutions taken that were acted in that House day by day, and this was so *de facto*, I know it to be true, and that this must be the product of it, I doe but appeal to that Book I told you of the other day, that all Magistracy & Ministery is Antichristian, & therefore all these things ought to be abolished, which we are certain must have been the issue of that meeting, so that you have been delivered if I think right, from two evils; the one civill a secular evill, that would have swallowed up all religious and civill interest, and made us under the horridest arbitrarines that ever was exercised in the world, that we might have had five or six hundred friends, with their friends to have had a judgement of all causes, and to have judged without a rule, thinking that the power that swallowed up all the other lawfull powers in the Nation, hath all the power that ever they had; both a legislative and judiciarie, I say that which swallows both the civill and religious interest. And the other meerly under a spirituall interest, had swallowed up again in another extreme, all our civill and religious interest and had made our ministrie, and all the things we are beholding to God for: trulie we think we ought to value this interest, above all interests in the world, but if this latter had not been as surely destroyed as the former, I understand nothing,

and having told you these two things, truly I must needs say, it makes me in love with this Paper, and with all things in it, and with these additions, that I have to tender to you, and with settlement above all things in the world, except that where I left you the last time, and for that I think we have debated: I have heard your mind, and you have heard mine, I have told you my heart and my judgement, and the Lord bring forth his own issue, I think we are now to consider not what we are on the foot, and of the Government that called this Parliament, which till there be an end put to it, is that that hath existence, and I shall say nothing to that, if that accomplisheth the end of our fighting, and all those blessed and good ends that we should aim at, if it do, I would we might have that, and remain where we are, if it doth not, I would we might have that which is better, which truly I now come out of my self to tell you, that as to the substance and body of your instrument I do look upon it as having things in it (if I may speak freely and plainly) I may, and we all may, I say the things that are provided for in this Government have the Liberties of the people of God, so as they never had it, and he must be a pittifull man that thinks the people of God ever had that Libertie, either *De facto*, or *de jure*, that is to say, *de jure*, from God; I think they have had it from the beginning of the world to this day, and have it still but asserted by a *jus humanum*; I say they never had it so, as they have it now, and I think you have provided for the liberty of the people of God & of the Nation, and I say he sings sweetly that sings a Song of reconciliation betwixt these two interests, and it is a pittifull fancy, and wisdome, and ignorance to think they are inconsistent, and may consist, and I speak my conscience in this

this Government, I think you have made to consiſt; and therefore I muſt ſay in that and in other things you have provided well, that you have; and becauſe I ſee the root of the Parliament gives you leave to ſpeak with me about the particulars. I think the Parliament doth think, that any member they have is not to be neglected in offering of any thing that may be of additionall good, and upon that accompt I having a little ſurveyed the inſtrument, I have a paper here to offer to you upon that accompt, and truly I muſt needs ſay and think, that in ſuch a caſe as this where ſo new a work, and ſo ſtrange a work as this that is before you, it will not be thought ill of. I doe with a little earneſtneſſe preſſe to you ſome explanations in ſome that may help to contemplate, and leave me; for it is onely handled with me, this tranſaction is onely handled with me at this time which you and the Parliament, whom you repreſent. I ſay I would be glad that you might leave me and all oppoſers without excuſe, as well as that I could wiſh that you ſhould ſettle this Nation to the uttermoſt good of it, in all things I have to offer to you, they are not very weightie, they may tend to the complexion of the buſineſſe, and therefore I ſhall take the freedome to read them to you.

In the fourth Article and ſecond Paragraph you have ſomething under that head that reſpects the calling of Members to Parliament, you would not exclude thoſe that (were under Duke *Hamilton*) made that Invaſion, becauſe it hath been ſaid to you perhaps, that if you exclude all, you ſhall haye no Members from *Scotland*, I hope there be perſons of that Nation, that will be ready to give a better teſtimony of their Country then to admit of that argument, & I hope

it is none, but if it be one, then trulie to meet with the leaſt upon that certaintie of the qualifications, you ſhould indeed exclude men of your own Country perhaps upon better crimes, and hold them of upon ſtricter Characters; it is thought that that qualification, that ſaith, that the teſtimonie that they ſhall have, *that they are men that have given good teſtimony in their peaceable and quiet living*, why trulie for divers years, they have not been willing to doe other, they have not had an eaſie poſſibility to doe otherwiſe, to live unquietly, though perhaps have been the ſame men manie of them; though I know manie of them are good men, worthie men, and therefore whether it be not fit, in that place to explain ſomewhat elſe, and put ſome other Character upon it, that may be accounted a good teſtimony, of other being, otherwiſe minded, and of their being of another judgement, I confeſs I have not anie thing here to ſupplie it with, but certainly if it ſhould be ſo, as it is in your article, though they be never ſo indiſpoſed and enemies and remain ſo, yet if they have lived peaceably, where they could neither will nor chuſe, they are to be admitted; I onelie tell you ſo, being without anie amendment for it, and when I have done I ſhall offer the whole to you, this is the ſecond Paragraph.

In the third Paragraph of the ſame Article, whereas it is ſaid that the perſons in *Ireland be made uncapable, to elect or be elected, that before the firſt of March 1649. have borne Armes for the Parliament, or otherwiſe given teſtimony of their good affections, and continued faithfull to the Parliament, and are ſince revolted*, whether it be not neceſſarie that it be more clearly expreſt, it ſeeming to capacitate all thoſe who have revolted from the Parliament, if they have born armes for the State

before

before the first of March 1649. it seems to restore them, but if since then they have revolted, as manie I doubt of our *English Irish* have done, why then the question is, whether these men, who have lately been angry, and fled to armes, whether you will think their having borne armes formerly on the Parliaments side, should be an exemption to them, that is but tendered to you that some worthy person here will give an answer unto.

In the fifth Paragraph of the same Article you have incapacitated publick Preachers, from sitting in Parliament, and trulie I think that your intention is such as have pastorall function, such as are actually and reall Ministers, for I must say to you in the behalf of our Armie, in their next place to their fighting, they have been verie good Preachers, and I should be sorry they should be excluded from serving the Commonwealth, because they have been accustomed to preach to their Troops, Companies, and Regiments, which I think have been one of the best blessings upon them, to the carrying on of the great work. I think you doe not mean so, but I tender it to you, that if you think fit there may be a consideration had of it; there may be some of us, it may be, that have been a little guilty of that, that would be loath to be excluded from sitting in Parliament. In the same Paragraph there is care taken for the nominating Commissioners to try the Members which are chosen to sit in Parliament, and trulie those Commissioners are uncertain persons, and it is hard to say what may happen, I hope they will be alwaies good men, but if they should be bad, then perhaps they will keep out good men: besides we think, trulie if you will give us leave to help, as to the

freedome of the Parliament , it will be ſomething that will goe rather harſhly down , then otherwiſe, verie manie reaſons might be given , but I doe but tender it to you , I think if there be no Commiſſioners , it would be never a whit the worſe , but if you make qualifications , if anie man will preſume to ſit without thoſe qualifications you may deal with them ; A man without qualifications ſitting there , is as if he be not choſe , and if he ſit without being choſen and ſo without a qualification , I am ſure the old cuſtome was to ſend him to the Tower , to impriſon ſuch a one , if anie one ſit there, that have not right to ſit there , if anie ſtranger come in upon his pretended Title of election , then perhaps it was a different caſe , if anie ſit there upon pretence of a qualification upon him , you may ſend him to priſon without anie more adoe ; whether you think fit to doe ſo or no , it is Parliamentary buſineſs , I doe but hint to you , I believe if anie man had ſat in former Parliaments , that had not taken the oathes preſcribed , it would have been a fault enough , &c. I believe ſomething of that kind , would be equivalent to anie other way , if not better. In that Article which I think is the fifth Article , which concerns the nomination of the other Houſe, in the beginning of that Article , it is that the Houſe is to be nominated as you deſigne it , and the approbation is to be from this Houſe , I would ſay to be from the Parliament , it is ſo ; but then now , if anie ſhall be ſubſequently named after this Houſe is ſat , upon anie accidentall removall or death , you doe not ſay , though it ſeems to refer to the ſame that the firſt election doth , yet it doth not refer clearly to this , that the nomination

tion ſhall be, where it was in the chief Officer, and the approbation of the other Houſe, if I doe expreſs it clearly that you will pardon me in, but I think that is the aime of it, it is not clearly expreſt there as I think you will be able to judge whether it be or no.

In the 7. Article that which concerns the revenue, that is the revenue that you have appointed to the Government, which you have diſtributed 300000 l. of it to the maintenance of the civill authoritie 1000000 l. to be diſtributed to the maintenance of your Forces by Sea and Land, you have indeed ſaid it in your inſtrument, and we cannot doubt of it, but yet you have not made it certain, nor yet thoſe temporarie ſupplies which are intended for the peace and ſafetie of the Nations. It is deſired that you will take it into your thoughts, and make both thoſe certain, both as to the ſumme and time, that thoſe ſupplyes ſhall be continued, and trulie I hope I doe not currie favour with you, but it is deſired, and I may verie reaſonably deſire it, that theſe monies whatever they are, that they may not if God ſhall bring me to anie intereſt in this buſineſs, which lyeth in his own power, that theſe monyes may not be iſſued out, by the authoritie of the chief Magiſtrate, but by the advice of his Councel, ſeeing you have in your inſtrument made a coordination in generall termes, that this might be a reſerved thing, that the monyes might not be diſtributed, it will be a ſafetie to whomſoever is your ſupreme Magiſtrate, as well as ſecuritie to the publick, that the monyes might be iſſued out by the advice of the Councell, and that the Treaſurers that receive this monie, may be ac-

countable everie Parliament, within a certain time limited by your ſelves everie new Parliament the Treaſurer may be a accountable to the Parliament for the diſpoſing of the Treaſurie, and there is mention made of the judges in the 9. Article. It is mentioned that the Officers of State, and the judges are to be choſen by the approbation of the Parliament, if there be no Parliament ſitting, if there be never ſo great a loſſe of judges it cannot be ſupplied, and whether you doe not intend, that it ſhould be by the choice with the conſent of the Counſell in the intervals of Parliament to be afterwards approved by Parliament.

The 12. Article relates to ſeverall qualifications, that perſons muſt be qualified with, that are put into places of publick office and truſt, now if men ſhall ſtep into publick places and truſt, that are not ſo qualified they may execute it, an office of truſt is a verie large word it goeth to almoſt a Conſtable, if not altogether, it goeth far, now if anie ſhall come that are not ſo qualified, they certainly doe commit a breach upon your rule, and whether you will not think in this caſe that if anie ſhall take upon them an office of truſt, that a penalty ſhall be put upon them where he is excepted, by the generall rule whether you will not think it fitting that reſpect to deterre men from accepting of offices and places of truſt contrarie to that Article, the next is ſercht in ſome reſpects I may ſay by head & ſhoulders in your inſtrument, yet in ſome reſpects it hath affinity with it, I may ſay I think is within your order upon this account, I am ſure there is a mention in the laſt parts of your inſtrument, of your purpoſe to doe manie good things, I am confident not like the Gentlemen that made his laſt will, and ſet down

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a great number of the names of men, that ſhould receive benefit by him, and there was no ſum at the latter end. I am confident you are reſolved to deal effectually in the thing at the latter end, and I ſhould wrong my own confidence, if I ſhould think otherwiſe: I hope you will think ſincerely as before God, that the laws may be regulated, I hope you will. We have been often talking of them, and I remembred well at the old Parliament, that we were three months, and could not get over the word incumbrances, and then we thought there was little hope of regulating of the law, when there was ſuch a difficulty as that, but ſurely the laws need be regulated, and I muſt needs ſay, I think it is a Sacrifice acceptable to God upon many accounts; and I am perſwaded, it is one thing that God looks for and would have. I confeſſe, if any man would ask me, why, how would you have it done? I confeſſe I do not know how, but I think verily at the leaſt, the delayes in ſuites, and the exceſſiveneſſe in fees, and the coſtlineſſe of ſuites, and thoſe various things, that I do not know what names they bear, I heard talk of demurrers, and ſuch like thinks which I ſcarce know; but I ſay certainly, that the people are greatly ſuffering in this reſpect, they are ſo; and truely, if all this whole buſineſſe of ſettlement, whatſoever the iſſue of it ſhall be, it comes, as I am perſwaded that it doth, as a thing that would pleaſe God by a Sacrifice in, or rather as an expreſſion of our thankfulneſſe to God: I am perſwaded that this will be one thing that will be upon your hearts, to do ſomething that is honourable and effectuall in it, that truely I ſay, that it is not in your inſtrument in ſomewhat that relates to the reformation of manners; you will pardon me my fellow ſouldiers that were raiſed upon that juſt occaſion of the inſurrection, not onely to ſecure the peace of the Nation, but to ſee

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that persons that were least likely, to help on peace or continue it, but rather to break; dissolute and loose persons, that can go up and down from house to house, and they are Gentlemens sonnes that have nothing to live on, and cannot be supplied to live to the profit of the Commonwealth, which I think had a good course taken with them, and I think that which was done to them was honourable, and honestly, and profitably done; and for my own part, I must needs say, it shewed the dissoluteness which was then in the Nation, as indeed it springs most from that part of the Cavaliers, should that party run on, and no care to be taken to reform the Nation, to prevent perhaps abuses that will not fall under this consideration; we can send our children into *France*, before they know God or good manners, and return with all the licentiousnesse of that Nation; neither care taken to educate them before they go, nor to keep them in good order when they come home; indeed this makes the Nation, which not onely committing those abominable things, most inhumane things amongst us, but hardens men to justifie those things: and the Apostle saith, not onely to do wickedly themselves, but take pleasure in them that do so; and truely, if something be not done in this kind, without sparing that condition of men, without sparing mens sonnes, though they be noble mens sonnes, let them be who they will is deboist, it is for the glory of God that nothing of outward consideration should save them in their debauchery, from a just punishment and reformation; and truely, I must needs say it, I would as much blesse God to see something done, as to that heartily, upon this account, not onely to those persons mentioned, but to all the Nation, that some course might be taken for reformation, that there might be some stop put to such a

currant of wickedneſſe and evil as that is; and truely, to do it heartily, and nobly, and worthily: the Nobility of this Nation eſpecially, and the Gentry will have cauſe to bleſſe you, and likewiſe that ſome care might be taken, that thoſe good laws already made, for the puniſhing of vice, may be effectually put in execution. This muſt I needs ſay of our Major Generalls that do you ſervice, I think it was an excellent good thing, I profeſſe I do, and I hope you will not think it unworthy of you, that when you have ſeen that, though you have good againſt the common countrey diſorders, that are every where, who is there to execute them: really, a Iuſtice of peace, ſhall from the moſt be wondred at, as an Owle, if he go but one ſtep out of the ordinary courſe of his fellow Iuſtices, in the reformation of theſe things, and therefore I hope may repreſent that to you, as a thing worthy of your conſideration, that ſomething may be found out to ſuppreſſe ſuch things. I am perſwaded you would glorifie God in it, as much as by any one thing you can do, and ſo I think you will pardon me. I cannot tell in this Article that I am now to ſpeak unto, whether I ſpeak to any thing or nothing: There is a deſire that the publick Revenue be not alienated, but by the conſent of the Parliament, I doubt publick Revenue is like *Cuſtodes libertatis Angliæ*, that is a notion onely, and not to be found as I know of; but if there be any, and God bleſſe us in our ſettlement, there will be publick Revenue accurring, and whether you will ſubject this to any alienation without the conſent of the Parliament, is that which is offered to you; truely this thing that I have further to offer to you, it is the laſt in this paper, and it is a thing that is mentioned in the 16. Article, that you would have thoſe Acts and Ordinances

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that have been made ſince the late troubles during the time of them, that they ſhould if they be contrary to this advice, that they ſhould remain in ſuch force, in ſuch manner, as if this advice had not been given; why that that is doubted, is whether or no this will be ſufficient to keep things in a ſettled condition, becauſe it is but an implication, it is not determined, but you do paſſe by the thing without ſuch a foundation as will keep thoſe people which are now in poſſeſſion of eſtates upon this account, that there Titles may be queſtioned & ſhaken, if that be not explained; and truely I believe you intend very fully in this buſineſs if the words already do not ſuffice, that I ſubmit to your own adviſement, but there is in this a very great conſideration; there hath been ſince the Government ſeverall Acts, and Ordinances, that have been made by the exerciſe of that legiſlative power, that was exerciſed ſince we undertook this government, and I think your inſtrument ſpeaks a little more faintly to theſe, and dubiouſly then to the others; and truely I will not make Apologie for any thing, but ſurely two perſons, two ſorts of men will be meerly concern'd upon this account; that is, they that are exerciſed, and the perſons who are the objects of that exerciſe, it diſſettles them wholly, if you be not clear in your expreſſions in this buſineſſe, it will diſſettle us very much to think that the Parliament, that doth not approve well of what hath been done upon a true ground of neceſsity, as farre as it hath ſaved this Nation from running into totall arbitrarineſſe, or ſubject it to any ſort of men that would perhaps do ſo. We think we have in that thing deſerved well of the State, if any man will ask me, but ah Sir, what have you done ſince? why ah, as I will confeſſe my fault where I am guilty, ſo I think taking the things as they were, I think we did the Commonwealth ſervice, and we have in that made great

ſettlements, that have we, we have ſettled almoſt all the whole affairs in *Ireland*, the rights and intereſts of the ſouldiers there, and of the planters and adventurers; and truely we have ſettled very much of the buſineſſe of the Miniſtry, and I could wiſh that that be not to ſecure the grave men, I wiſh it be not, but I muſt needs ſay, if I have any thing to rejoyce before the Lord in this world, as having done any good, or ſervice, I can ſay it from my heart; and I know I ſay the truth, that it hath been, let any man ſay what he will to the contrary, he will give me leave to enjoy my own opinion in it, and conſcience, and heart, & dare bear my teſtimony to it, there hath not been ſuch a ſervice to *England*, ſince the Chriſtian Religion was perfect in *England* I dare be bold to ſay it, however here and there, there may have been paſſion and miſtakes, and the Miniſters themſelves, take the generality of them, they will tell, it is beſides the inſtructions, and we did take it upon that account, and we did not upon, to do that which we did, *virtute inſtituti* as a *Iure Divino*, but as a civil good, but——ſo we end in this thing, we know not better how to keep the Miniſtry good, and to augment it to goodneſſe, then to put ſuch men to be Triers; men of known integrity, and piety, Orthodox men, and faithfull, we know not how better to anſwer our duty to God, and the Nation, and the people of God, in that reſpect in doing what we did, and I dare ſay if the grounds upon which we went, will not juſtifie us, the iſſue, and event of it doth abundantly juſtifie us, God having had exceeding glory by it, in the generality of it, I am confident fourty fold; for as heretofore the men that have been admitted into the Miniſtry in times of Epiſcopacy, alas what pitifull certificates ſerved to make a man a Miniſter; if any man could underſtand Latine, and Greek, it was as if he ſpake Welſh, he was ſure to be admitted, which I think in thoſe dayes went for Hebrew with a great many; but certainly the pooreſt thing in the world would ſerve turn, and a man was admitted upon ſuch an account, I, and upon a leſſe, I am ſure the admiſſion that had been to thoſe places ſince, had been under this Character, as the rule that they muſt not admit a man, unleſſe he be able to diſcern ſome of the grace of God in him, which was ſo put to, as that it was not fooliſhly or ſenſleſly, but ſo far as men could judge according to the rules of Charity; but ſuch a man whoſe good life and converſation they could have a very good teſtimony of four or five of the neighbour Miniſters, who knew him, nor could they admit him, unleſſe he could give a very good teſtimony of the grace of God in him; and to this I ſay, I muſt ſpeak my conſcience in it, though a great many are angry at it, all are angry at it, and how ſhall you pleaſe every body; then ſay ſome, none muſt be admitted, except perhaps he will be baptized, this is their opinion, they will not admit a man into a congregation, except he be ſo much leſſe to be a Miniſter; the Presbyte-

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rian he will not admit him, except he will be ordained; generally they will not go to the *Independants*; truly I think if I may not be partiall, I think if there be a freedome of judgement, it is there. Here is three sorts of Godly men that you are to take care for, and that you have provided for in your settlement; and how could you now put it to the *Presbiterians*, but you must have done it with a possibility of exclusion of all those *Anabaptists*, and of the *Independants*; and now you have put it into the way, that if a man be of any of these judgments, if he have the root of the matter of him, he may be admitted: this hath been our care and work, by some Ordinances of ours, both laying the foundations of it, and many hundreds of Ministers being in upon it, and if this be a time of settlement, then I hope it is not a time of shaking, and therefore I hope you will be pleased to settle this businesse, that you will neither shake the persons that have been poorly instrumentall, to call you to this opportunity of settling this Nation, and doing good to it; nor shake those honest mens interests that have been thus settled, considering so much good hath been wrought by them, and so I have done with the offers to you: But here is somewhat that is indeed exceedingly past my understanding, for I have as little skill in Arithmetick as I have in the Law; there is great summs, it is well if I can count them to you. The present charge of the forces both by sea and land, including the Government, will be 2426989 *l.* the whole present Revenue in *England*, *Scotland*, and *Ireland*, is about 1900000 *l.* I think this was reckoned at the most, as now the Revenue stands: Why now toward this, you settle by your instrument 1300000 *l.* for the Government, and upon that accompt to maintain the force by sea and land, and this without land Taxe I think, and this is short of the Revenue, that now may be raised by the Government, 600000 *l.* because you see the present Government is 1900000 *l.* & the whole summe which may now be raised, comes of the present charge 542689, and although an end should be put to the *Spanish* War, yet there will be a necessity of the preservation of the Peace of the three Nations, to keep up the present established Army in *England*, *Scotland*, and *Ireland*, and also a considerable Fleet for some good time, untill it shall please God, to quiet, and compose mens minds, and bring the Nation to some better consistency, so that considering the pay of the Army, coming to upwards 1100000 *l per annum*, and the Government 300000 *l.* it will be necessary, that for some convenient time, seeing you find things as you doe, and it is not good to think a wound healed before it be; that there should be raised over and above 1300000 *l.* the summe of 600000 *l. per annum*, which makes up the summe of 1900000 *l.* that likewise the Parliament declare how far they will carry on the *Spanish* War, and for what time, and what farther summe they will raise for the carrying

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ing on the same, and for what time, and if these things be not ascertained, as one saith, money is the cause certainly, what ever the cause is, if money be wanting, the businesse will fall to the ground, & all our labour will be lost, and therefore I hope you will have a care of our undertakings.

And having received expressions from you, that we may believe, we need not offer these thins to you, that these things will be cared for, & these things have all of them been made overture of to you, and are before you, and so hath likewise the consideration of the debts, which truly I think are apparent, and so I have done, that I have to offer you; I think I have truly for my part, and when I shall understand where it own me to do further, and when I shall understand your pleasure in these things a little further, we have answered the order of Parliament, in considering and debating of these things, that were the subject matter of debate and consideration, & when you will be pleased to let me here further of your thoughts in these things, then I suppose, I shall be in a condition to discharge my self, as God shall put in my mind, and I speak not this to evade, but I speak in the fear and reverence of God, and I shall plainly and clearly, I say, when you shall have been pleased among your selves to take consideration of these things, that I may hear what your thoughts are of these things, I doe not say that, as a condition to any thing, but I shall be very free, and honest, and plain, to discharge my self, of what in the whole, upon the whole, may reasonably be expected from me, and God shall set me free, to answer you in.

His Highness Speech to the Parliament in the Banquetting House at Whitehall 8. of *May* 1657.

Mr. Speaker.

I Came hither to answer that, that was in your last paper to your Committee you sent to me, which was in relation to the desires which were offered to me by the House, in that they called their petition, I confess that businesse hath put the House, the Parliament to a great deal of trouble, & spent much time, I am very sorry that it hath cost me some, and some thoughts, and because I have been the unhappy occasion of the expence of so much time, I shall spend little of it now, I have the best I can resolved the whole businesse in my thoughts, and I have said so much already in testimony of the whole, that I think I shall not need to repeat any thing that I have said. I think it is a Government that the aimes of it seeks much a settling the Nation on a good foot in relation to civill rights and liberties, which are the rights of the Nation, and I hope I shall never be found to be of them that shall goe about to rob the Nation of these rights, but to serve them what I can to the attaining of them. It hath also exceeding well provided for the safety & security of honest men, in that great, naturall and religious liberty, which is liberty of

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conſcience, theſe are great fundamentals, and I muſt bear my teſtimony to them (as I have and ſhall doe ſtill ſo long as God lets me live in this world) that the intentions of the things are very honourable and honeſt, and the product worthy of a Parliament; I have onely had the unhappineſſe both in my conferences with your Committees, and in the beſt thoughts I could take to my ſelf not to be convicted of the neceſsity of that thing, that hath been ſo often inſiſted upon by you, to wit, the Title of King, as in it ſelf ſo neceſſary, as it ſeems to be apprehended by your ſelves; and I do with all honour and reſpect to the Iudgement of the Parliament, teſtifie that (cæteris paribus) no private judgement is to lie in the ballance with the judgement of a Parliament; but in things that reſpect particular perſons: every man that is to give an account to God of his actions, he muſt in ſome meaſure be able to prove his own work, that to have an approbation in his own conſcience of that he is to do, or forbear, and whilſt you are granting others liberties, ſurely you will not deny me this, it being not onely a liberty, but a duty (and ſuch a duty as I cannot without ſinning forbear) to examine my own heart, and thoughts, and judgement, in every work which I am to ſet mine hand too, or to appear in or for.

I muſt confeſſe therefore, that though I do acknowledge all the other, yet I muſt be a little confident in this, that what with the circumſtances that accompany humane actions, whether they be circumſtances of time, or perſons, whether circumſtances that relate to the whole, or private or particular circumſtances, that compaſſe any perſon that is to render an account of his own actions; I have truely thought, and do ſtill think, that if I ſhould (at the beſt) do any thing on this account to anſwer your expectation, it would be at the beſt doubtingly: and certainly what is ſo is not of faith, whatſoeves is not of faith is ſinne to him that doth it, whether it be with relation to the ſubſtance of the action, about which the conſideration is converſant, or whether to circumſtances about it, which make all think indifferent actions good or evil to him that doth it. I lying under this conſideration, think it my duty, onely I could have wiſhed I had done it ſooner, for the ſake of the Houſe, who have laid ſo infinite obligations on it, I wiſh I had done it ſooner for your ſake, for ſaving time and trouble; and indeed for the Committees ſake, to whom I muſt acknowledge publickly I have been unſeaſonably troubleſome, I ſay, I could have wiſhed I had given it ſooner, but truely this is my anſwer, that although I think the government doth conſiſt of very excellent parts in all, but in that one thing the Title as to me, I ſhould not be an honeſt man, if I ſhould not tell you, that I cannot accept of the government, nor undertake the trouble or charge of it, which I have a little more experimented then every man; what troubles, and difficulties do befall men under ſuch truſts, and in ſuch undertakings, I ſay, I am perſwaded to return this anſwer to you, That I cannot undertake this Government with the Title of a *King*, and that is mine anſwer to this great and weighty buſineſſe.

FINIS.